



ANNO QUADRAGESIMO SECUNDO ET QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1879.

No. 163.

An Act to authorise the introduction of Indian Native Labor into the Northern Territory of the province.

[Reserved, 25th October, 1879.]

WHEREAS it is expedient to provide for the introduction of Indian native labor into the Northern Territory of the Province of South Australia, and for the protection of Indian immigrant laborers—Be it Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled:

Preamble.

1. This Act shall be called "The Northern Territory Indian Immigration Act, 1879."

Short title.

2. The Governor may from time to time nominate persons to act as emigration agents at Calcutta, Madras, and Bombay, or at any of such places, and upon such nominations being approved by the local Government of the respective Presidencies, the person or persons so nominated shall be deemed to be duly appointed as such emigration agents respectively; and every such emigration agent may be suspended or removed by the Governor for the time being.

Appointment of emigration agents.

3. The Governor may from time to time appoint a proper person to act as Protector of Immigrants at every port at which the debarkation in South Australia of Indian immigrants is by this Act, or the regulations made thereunder authorised, and may assign to such person such salary and establishment as shall be deemed proper. Such Protector of Immigrants shall be subordinate to the local Government

Appointment of Protector of Immigrants.

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Government Resident of the place for which he is appointed, and may by such Government Resident be for good cause suspended, but shall not be removed except by the Governor.

Appointment of medical inspectors.

4. The Governor may from time to time appoint for each port at which debarkation is authorised one or more medical inspectors, at such salaries as shall be deemed proper. Such inspectors shall be subordinate to the Protector of Immigrants at the place for which he is appointed, and may be, for good cause, suspended by the said Protector, with the approval of the Government Resident of such place, but shall not be removed except by the Governor.

Appointment of inspectors.

5. The Governor may from time to time appoint inspectors, whose powers and duties shall be defined by regulations to be made under this Act, and who shall be subordinate to the Protector.

Remuneration of emigration agents.

6. The remuneration to be given to emigration agents shall not depend upon or be regulated by the number of emigrants sent by such agents, but shall be in the nature of a fixed annual salary.

Salaries to be voted by Parliament.

7. No officers shall be appointed under this Act until their salaries shall have been voted by Parliament.

Emigration depôts.

8. In every town for which an emigration agent is appointed, or in the suburbs thereof, such agent shall establish a suitable depôt for the persons engaged as laborers for this province, and shall procure the same to be duly inspected, approved, and licensed pursuant to the laws and regulations enacted and prescribed by the Indian Government regulating the emigration of Indian laborers.

Conduct and inspection of depôts.

9. Every such depôt shall, after such licence has been obtained, be by such emigration agent conducted, and the emigrant therein lodged, fed, clothed, and otherwise provided for and attended to, in such manner as to give satisfaction to the said Protector and medical inspectors respectively; and every such agent, and all persons in charge of or employed in any depôt, or in any vessel licensed to carry immigrants as hereinafter provided, shall give to such Protector and medical inspectors, and to each and every of them, every facility for all such inspections, examinations, and surveys as may be necessary, proper, and authorised under any Act in force in India relating thereto, and shall afford to such persons all such information as may be reasonably required of them.

Recruiters.

10. The emigration agent so appointed as aforesaid may appoint recruiters of laborers duly licensed as such to obtain laborers, and before such appointment the said agent shall apply for and obtain a licence for such recruiter.

Emigration agent to counte: sign contracts.

11. It shall be lawful for every emigration agent appointed under this Act to ratify and countersign all contracts entered into by a recruiter with any emigrant.

12. Before

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12. Before engaging any laborer the recruiter so appointed shall ascertain from such laborer the length of time during which such laborer has been previously employed in work of a character similar to that for which he may be engaged.

Duty of recruiters.

13. No recruiter employed by any emigration agent shall be paid or allowed any fee, commission, reward, or expenditure in respect of any recruited laborer who shall, on examination of the local medical inspector, be found to be affected with any infectious or contagious disease, unless such local medical inspector shall certify that such disease could not at the time of recruiting have been by reasonable care detected.

Allowances to recruiters.

14. Every such emigration agent shall in all things conform to all laws and regulations enacted and prescribed by the Indian Government regulating the emigration of Indian laborers.

Emigration agent to conform to Indian law.

15. It shall be lawful for every such emigration agent, with the consent of the Minister controlling the Northern Territory, to contract by charter party, or otherwise, for and on behalf of the South Australian Government, with any shipowner for the hire of ships or steamers for the conveyance of emigrants lawfully engaged from any port in India at which embarkation of emigrants is lawful to any port or ports appointed by the Government of South Australia for their debarkation: Provided that before finally concluding any such contract the emigration agent shall satisfy himself that the owner or master of such ship or steamer has obtained from the local Government of the Presidency from which such emigrants are to proceed all such licences as are by law required, and that such owner or master has also entered into all such bonds as may be lawfully demanded by the said local Government.

Contracts for ships and steamers by emigration agent.

16. No contract, whether by charter party or otherwise, made by any emigration agent for the conveyance by sea of emigrants shall be binding upon the South Australian Government unless the owner or master of the ship or steamer mentioned in such contract shall, at the time of making such contract, have obtained all necessary licences, inspections, and certificates, and unless the laws and regulations provided and in force in India for the safety, management, and comfort of the emigrant laborers whilst on board such ship or steamer are in every respect strictly complied with by such owner or master.

Contracts for carriage of laborers not to be binding on Government unless Indian law complied with.

17. The emigration agent, at each town at the port of embarkation, may employ duly qualified European or native surgeons to accompany such ship or steamer conveying emigrants under the authority of this Act, and the health and comfort of such emigrants shall be under the immediate care and supervision of such surgeon; but no surgeon shall be so appointed unless he obtain from the medical inspector of emigrants in such town a certificate of fitness, and only one surgeon shall accompany each ship or steamer.

Employment of surgeons.

18. Such

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Duty of surgeons.

18. Such surgeon shall, by personal inspection, ascertain seven days before leaving the port of embarkation that all requisite food, water, provisions, medicines, clothing, and other necessaries for the maintenance and safety of the emigrant passengers during the voyage, are on board such ship or steamer; and in case of any omission by the owner or master of the said ship or steamer to provide any of such, the surgeon shall forthwith make a report to the local Government, and to the emigration agent at the said port; and if on arrival of such ship or vessel at any port in South Australia it shall be proved to the satisfaction of two Justices of the Peace that the passengers have suffered by reason of such omission, such surgeon shall forfeit all salary and emoluments which but for such omission may be due and payable to him at the port of arrival.

Duty of surgeons.

19. Such surgeon shall also, not less than twenty-four hours before any embarkation of emigrants, carefully examine and inspect each of such emigrants, and shall forthwith give notice to the emigration agent and to the protector and medical inspector of each town, if he shall find that any emigrant or emigrants is or are affected with any contagious or infectious disease, and no emigrant so affected shall be permitted to embark.

Requisitions for immigrants.

20. Requisitions by persons wishing to introduce or engage immigrants from India shall be framed in terms of Schedule A hereto annexed, and shall be made for male immigrants to be engaged in India to serve the requisitionists.

Bond to accompany requisition.

21. Every such requisition shall be accompanied by a bond in the form and terms of Schedule B hereto annexed, which shall be signed by the requisitioner and two sureties, on whose sufficiency the Protector of Immigrants for the time being shall determine.

Duration of requisition.

22. Every such requisition shall remain in force for the period of twelve months, and no longer, from its date to the date of any contract passed in India in execution thereof: Provided that any requisitioner may stipulate that his requisition shall remain in force for any shorter period, to be not less than six months, to be specified by him.

Requisitions by corporations and companies.

23. Requisitions by companies or corporations aggregate shall be made by the secretary or manager by or on behalf of the company, and the bonds in respect thereof shall be made and entered into on behalf of the company or corporation by the person or persons authorised to contract on behalf of such company or companies.

Requisitionist to repay cost of introduction.

24. Any immigrant who shall be engaged or allotted to any person, company, or corporation in terms of any requisition, shall be held to have been introduced at the expense of the requisitionists, who shall be bound in the first instance to repay to the Government the whole expense of recruiting, maintaining, conveying, and introducing of such immigrant, including the proportional expense of maintaining,

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maintaining, conveying, and introducing females. Any sums on these accounts which may be recovered from any substituted or other employer of the immigrant shall be applied towards reduction of such obligation to repay.

25. Every male immigrant leaving India to come to South Australia for hire shall, before leaving India, be engaged to an employer named in his contract. Engagement to specific employers.

26. Every such immigrant shall, in India, sign a contract in the terms and form of Schedule C, or to the like effect, and such contract to be so signed shall bind him to a service of five years. Contracts to be signed in India.

27. Before the employment of any laborers under this Act, suitable depôts shall be established at the port or ports appointed for debarkation for the reception of laborers on arrival. Such depôts shall be under the supervision and control of the Protector of Immigrants at such port, and shall be conducted, and the immigrants therein lodged, fed, clothed, and otherwise provided for and attended to, in such manner as to give satisfaction to the said Protector and to the medical inspector appointed at such port. Such depôt shall be provided with a suitable detached building, or hospital, for the reception and medical care of sick immigrants, and such hospital shall also be under the supervision and control of the said Protector. Depôts to be established at port of debarkation.

28. No requisition shall be complied with, or acted upon, unless the Protector of Immigrants is satisfied that sufficient provision has been, or will be, made by the requisitionist for the reception, care, and comfort of the laborers mentioned in such requisition on their arrival, and it shall be lawful for the Protector to refuse to comply with any requisition, if he shall be satisfied that such requisition is not made *bonâ fide*, or that the requisitionist is unable properly to provide for such laborers on their arrival. In any case in which the Protector refused to comply with any requisition, he shall state in writing the grounds of such refusal. Requisitionist to satisfy Protector that provision made to receive immigrants.

29. Any immigrant under written contract may have his contract transferred to any other employer for the residue of its term provided the transfer be made by the Protector of Immigrants, with the consent of the immigrant and the then present and future employers: and provided also, that no transfer shall be made unless all wages due to such immigrant up to the time of transfer are fully paid and satisfied. Transfer to new employer.

30. Any Indian immigrant who shall be incapacitated by sickness from labor, during his contract, shall be entitled to lodging, food, and medical care, at the expense of his employer, during such incapacity. Immigrant to be cared for during sickness.

31. Female immigrants from India may be engaged, either in India or in South Australia, upon contracts in the form of Schedule D., Contracts with female immigrants.

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D., provided that they shall only be employed in such kinds of labor as they may be fitted for, and no such contract shall be for a longer period than one year.

Protector may suspend contract of female in certain cases.

32. It shall be lawful for the Protector of Immigrants to modify and (if necessary) to suspend the contract of any female who shall be unable to perform the conditions thereof, on account of family or domestic duties, or of advanced pregnancy. Every such modification or suspension shall be made on terms equitable for both parties, and shall be endorsed by the Protector of Immigrants on the contract.

Treatment of incompetent immigrants.

33. In case any laborer shall be found incompetent or unfit for the work for which he has been engaged, the requisitioner may, within one month after such laborer has been first employed, give notice in writing to the Protector of Immigrants, of such incompetency, and the Protector shall forthwith, after such notice obtained from an inspector, report upon such laborer, and shall make such further inquiries as he may deem necessary, and upon being satisfied that such laborer is incompetent, he may cancel the contract of such laborer, but such cancellation shall not discharge the requisitioner or his sureties from any bond given pursuant to this Act.

Re-engagement of incompetent immigrants.

34. Upon the cancellation for incompetency of any contract, the laborer whose service is so determined may be re-engaged either by his former or any other employer for any work for which the Protector of Immigrants shall consider him competent, and until such re-engagement such laborer shall be maintained, clothed, and fed at the depôt nearest to the place for which he was originally engaged. All laborers returned to any depôt shall, until re-engaged, perform such work as may be allotted to them by the said Protector, but shall be paid no wages for such work.

Incompetent immigrant to forfeit wages.

35. No laborer found by the Protector of Immigrants to be incompetent shall be entitled to demand or receive any wages from his employer, and unless such laborer is re-engaged within four months after the cancellation of his first contract, he shall continue to perform such work as may be allotted to him by the Protector, until, upon an estimate made by the Protector, the work so performed shall be equal to a sum sufficient to reimburse the expense of lodging, feeding, and clothing the said laborer at the depôt or elsewhere, and of defraying the expense of conveying the said laborer back to the Port in India at which he embarked.

Punishment for unlawful absence.

36. Any immigrant who shall unlawfully absent himself from work shall (besides losing his claim to wages and allowances during such absence) forfeit to his employer the sum of five shillings for each day of absence, or the said immigrant may, on complaint made, by his employer before a Stipendary Magistrate or any two Justices of the Peace, be sentenced to imprisonment for a period not exceeding twenty days, or (at the option of the employer) to a prolongation of the contract equivalent to the time of absence. Every immigrant
sentenced

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sentenced to prolongation of his service shall be entitled to redeem such prolongation by paying to his employer at the rate of twenty shillings for every seven days of such absence.

37. No such forfeiture, imprisonment, or prolongation respectively shall be incurred if the wages of the immigrant shall have been unpaid for any period longer than two calendar months before his absence, or if more than two calendar months shall have elapsed between the immigrant's return from such absence, and the forfeiture or complaint, as the case may be.

Relief from forfeiture, &c., in certain cases.

38. Any employer shall be entitled, on application to the Protector of Immigrants, to obtain the release of any immigrant in his service, who shall have been imprisoned on his complaint, for any act or non-feasance, not involving a breach of the peace, or of the public law of the province.

Employer may obtain release of immigrant.

39. It shall be lawful for the Protectors of Immigrants appointed under this Act at any time, either personally or by any person deputed by him, in writing, in terms of Schedule E hereto, to enter and inspect any hut, tent, asylum, hospital, camp of laborers, or other establishment of any kind in which Indian emigrants are received, employed, or located, and to investigate the condition and state of any emigrants who may be therein respectively, and to require any immigrant in any such places respectively to be brought before him or the person whom he shall depute as aforesaid upon any such visit; any person obstructing or molesting any Protector of Immigrants or his deputy aforesaid shall, on conviction, forfeit a sum not exceeding Ten Pounds or may be imprisoned for a period not exceeding twenty days

Inspection of huts, &c.

40. It shall be lawful for the Governor from time to time to make regulations—

Governor to make regulations.

- i. For defining the duties of emigration agents, protectors, inspectors, recruiters, medical inspectors, interpreters, and other officers appointed under this Act:
- ii. For regulating the conduct and management of depots and hospitals, and for the inspection and supervision of laborers and their residences, and of the food supplied to them while under employment:
- iii. For the keeping of records and registers of laborers imported from or returned to India:
- iv. For the imposition of fines for breach of regulations by either employer or employed:
- v. For defining the days to be deemed holidays upon which laborers, except domestic laborers, shall not be compelled to work:
- vi. For regulating the terms of re-engagement of laborers after the

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the expiration of their original terms of service, or in cases where the original requirements has failed to receive the immigrants specially introduced for him :

- vii. For fixing the minimum scale of wages, rations, and allowances to be paid to and provided for each laborer employed, provided that such scale shall not be lower than the scale prescribed by the laws in force in India prescribing such scales :

And generally for carrying out the purposes of this Act, and from time to time to alter or add to the same; and all such regulations on being published in the *Government Gazette* shall have the same effect as if they had been contained *verbatim* herein, provided they are not inconsistent with the spirit and meaning of any of the provisions hereof.

I hereby reserve this Act for the signification of the Queen's pleasure.

WM. F. DRUMMOND JERVOIS, Governor.

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SCHEDULES REFERRED TO.

SCHEDULE A.

Requisition.

I, the undersigned requisitioner, request the Protector of Immigrants to take the steps by law required for obtaining for me from the Presidency of male immigrants (specially engaged in India to be employed by me, or to be allotted to me on their arrival at _____ for employment, as the case may be) as [*nature of employment*].

I undertake to give to each immigrant who shall engage with me in virtue of this requisition the wages and allowances fixed by the Government scale in force in South Australia at the time of engagement.

Proper lodging and medical care shall also be furnished by me to the said immigrants.

C.D., Requisitionist.
day of

The above has been received by me this
18 .

E.F., Protector of Immigrants.

SCHEDULE B.

Requisitionists' Bond.

A. B., of [*dwelling place and profession or calling*], C. D., of [*dwelling place and profession or calling*], and E. F., of [*dwelling place and profession or calling*], hereby jointly and severally promise and bind themselves towards the Protector of Immigrants, on behalf of the Government of South Australia, as follows:

The said [A. B.] having this day made requisition, under the provisions of the Northern Territory Indian Immigration Act, 1879, for [*number*] Indian immigrants, to be engaged in India, hereby undertakes to accept that number, or any lesser number of immigrants that may be introduced, pursuant to his requisition. The said requisitioner and the said C. D. and E. F., acting as sureties for the said requisitioner, bind themselves jointly and severally to pay all expenses attendant upon the introduction of such immigrants, and of the females by regulation required to accompany them, including in such expenses the cost of the maintenance of such immigrants at the depôt, at the rate of two shillings and sixpence per diem for each immigrant, from the date of his landing until the date of his leaving the depôt to enter on the service of the said requisitioner. The said requisitioner and the said sureties promise to pay to the said Protector of Immigrants all such expenses of introduction upon the said immigrants being delivered to the said requisitioner, such payment to be made previous to their leaving the depôt.

In default of the said requisitioner's claiming such immigrants within seven clear days after they shall have been received at _____ Depôt, the said requisitioner and the said sureties bind themselves to pay the Protector of Immigrants two shillings and sixpence per day for each immigrant, as his cost of maintenance during the interval between his arrival at the depôt and his entering on service; and in case of such default, and of any of the said immigrants electing to be free from their engagement, the said requisitioner and the said sureties do further bind themselves to pay to the Protector the whole expense attending the introduction of the immigrants so electing, and of the females accompanying them.

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The said requisitionists and the said sureties hereby consent that the certificate of the Protector of Immigrants shall be conclusive evidence against them in all Courts and places of the amount chargeable against them in respect of the said expenses of introduction, or of the said costs of maintenance, as the case may be.

A. B. (Seal), Requisitionist.

C. D. (Seal), Surety.

E. F. (Seal), Surety.

The above bond has been signed in my presence, and deposited with me, this day of

18

G. H., Protector of Immigrants.

SCHEDULE C.

Contract for , entered into under Requisition No. , dated , 18 .

We, the undersigned emigrants from , hereby engage to serve [name of employer], as , at [name of place], in the Province of South Australia, for the period of five years from the date of the registration of this contract by the Protector of Immigrants, at , provided that we shall receive the wages stated hereunder opposite to our respective names, and the allowances following:—

Rice, one pound and a half; or two pounds of pounded maize; or two pounds and a half of cooked manioc; or five pounds of raw manioc	per diem.	} Half of these rations to be given to those of us who are under ten years of age.
Dholl, two pounds	per mensem.	
Salt fish, two pounds	do.	
Ghee, or oil, one pound	do.	
Salt, one pound	do.	

Provided also that proper lodging and medical care shall be supplied to us.

No.	Name of Emigrant.	Father's Name.	Age.	Married or Single.	Wages per Month.					Emigrant's Signature.	Remarks.
					1st Year.	2nd Year.	3rd Year.	4th Year.	5th Year.		

On behalf of

of

I accept the services of the above-mentioned emigrants, on the terms and conditions here above stipulated.

A. B., Employer or Special Agent.

The above contract was fully explained to the above-mentioned emigrants [and when there is a special agent, to A. B., the special agent] in my presence, this and signed by them before me.

C. D., Emigration Agent.

SCHEDULE D.

Form of Contract for Female Emigrants.

We, the undersigned Indian women, emigrating from to hereby engage to serve the employers to whom we may be allotted by the Government of South Australia, as [nature of employment] for a period of one year from the date of such allotment, provided that we shall only have to perform such work as shall be fixed and determined by the Protector of Immigrants, in our respective certificates of allotment, that the special contracts we shall enter into at

shall

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shall be liable to be modified or suspended, either by the Protector or by the Stipendary Magistrates, in cases provided for by law, and that we shall receive the wages and rations fixed by the Government scale in force in South Australia at the time of our engagement. Provided also that proper lodging and medical care be supplied to us.

No.	Father's Name.	Name of Emigrant.	Age.	Married or Single.	Wages per Month.	Emigrant's Signature.	Remarks

The above contract was fully explained to the above-mentioned female emigrants in my presence this _____ and signed by them before me.

A. B., Emigration Agent.

SCHEDULE E.

Appointment of a Deputy for the purposes mentioned in Section 38.

I hereby depute A.B. to enter and inspect [*the estate, camp, or such other place as may require to be inspected*] belonging to C.D., [*or managed by E.F.*], situated at _____ and there to investigate the state and condition of all immigrants who may there be located or employed in accordance with the provisions of the Northern Territory Indian Immigration Act, 1879.

Dated this _____ day of _____, 18 .

G.H., Protector of Immigrants.