

THE STRAITS SETTLEMENTS EMIGRATION
ACT, 1877.

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ACT

ACT No. V OF 1877.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th March 1877).

An Act to regulate the Emigration of Native Labourers from the Presidency of Fort Saint George to the Straits Settlements.

WHEREAS it is expedient to regulate emigration under engagements to labour from the Presidency of Fort Saint George to the Straits Settlements; It is hereby enacted as follows:—

I.—PRELIMINARY.

1. This Act may be called “The Straits Settlements Emigration Act, 1877:”

It extends only to the territories under the government of the Governor of Fort Saint George in Council;

And it shall come into force on such date as the Governor of Fort Saint George in Council, with the previous sanction of the Governor General in Council, may, by notification in the *Fort Saint George Gazette*, direct.

2. In this Act, unless there be something repugnant in the subject or context—

“Emigrate” denotes the departure of any Native of India out of the said territories, under an engagement to labour in the said Settlements:

“Emigrant” means a person who “emigrates” within the meaning of the above definition:

“Magistrate” means a Magistrate of a District, a Magistrate of a division of a District, or any other person appointed by the Governor of Fort Saint George

in

in Council to perform the functions of a Magistrate under this Act :

“Vessel.”

“Vessel” includes anything made for the conveyance by water of human beings or property.

From what port emigration lawful.

3. It shall not be lawful to emigrate except from such ports as may from time to time be declared by the Governor of Fort Saint George in Council, by a notification in the *Fort Saint George Gazette*, to be ports from which emigration under this Act shall be lawful.

The Local Government may at any time, by a like notification, revoke any such notification.

II.—EMIGRATION AGENTS.

Appointment of Emigration Agents.

4. The Government of the Straits Settlements may, from time to time, appoint such persons as the Governor of Fort Saint George in Council approves, to act as Emigration Agents at such ports as aforesaid.

Any Emigration Agent so appointed may be suspended or removed by the Government of the Straits Settlements.

III.—PROTECTORS OF EMIGRANTS.

Appointment of Protector of Emigrants.

5. The Governor of Fort Saint George in Council shall direct such persons as he thinks fit to act as Protectors of Emigrants under this Act at such ports and for such local areas as may be assigned to them respectively, and may, with the sanction of the Governor General in Council, assign to such persons such establishment as the Governor of Fort Saint George in Council thinks fit.

General duties of Protector.

6. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall, so far as is in his power, protect and aid all emigrants with his advice or otherwise, and cause all the provisions of this Act to be duly complied with.

Inspection of vessels with return-emigrants.

He may also inspect on arrival all vessels bringing return-emigrants to the port at which he is Protector, and inquire into the treatment received by such emigrants both during the period of their service in the

Straits

shall make a report thereon to the Governor of Fort Saint George in Council.

Such Protector shall also aid and advise such return-emigrants, so far as he reasonably can, when called upon by them to do so.

IV.—EMIGRATION DEPOT.

7. Every Emigration Agent shall establish a suitable depôt for emigrants at the port at which he is Agent. Such depôt may be licensed by the local Protector of Emigrants after being inspected and approved of by him.

Establishment and licensing of depôt.

For every such license the Emigration Agent shall pay to the Protector of Emigrants a fee of fifteen rupees.

Fee for license.

8. The Protector of Emigrants may, at any time, examine into the state of the depôt and the manner in which the emigrants are therein lodged, fed, clothed and otherwise provided for and attended to, and shall do so at least once a year.

Inspection by Protector.

And he may at any time cancel the license, if he considers that the depôt for which it was granted is unhealthy, or has in any respect become unsuitable for the purpose for which it was established, or if the local Emigration Agent fails to comply with any of the requirements of this Act.

The Emigration Agent and all persons in charge of, or employed in, the depôt, shall give the Protector every facility for making such inspections as he may deem necessary or proper, and shall afford him all such information respecting the depôt and the emigrants as he may require.

Agent and his subordinates to afford facilities for inspection.

9. The Emigration Agent shall provide at the depôt such medical aid and comforts as the Protector may from time to time direct.

Supply of medical aid and comforts.

V.—RECRUITERS OF LABOURERS.

10. Each Protector of Emigrants shall license so many fit persons as he deems necessary, to be
recruiters

Protector to license recruiters.

recruiters of labourers for the Straits Settlements ; and no person shall engage or attempt to engage any Native of India to emigrate, or shall otherwise act or be employed as a recruiter of labourers, except under a license from a Protector of Emigrants.

Duration and
cancelment
of license.

11. No such license shall be in force for a longer period than one year ; and in case of misconduct on the part of any recruiter, the Protector of Emigrants who granted it may cancel his license before the expiration of the period for which it was granted.

Form of
license.

12. Every such license shall specify the local limits within which the person licensed may recruit labourers, and shall be in the form set forth in the first schedule hereto annexed.

Fee for
license.

For every such license the recruiter shall pay to the Protector a fee of five rupees.

Recruiter to
obtain Magis-
trate's coun-
tersignature
to license.

13. No recruiter shall engage, or attempt to engage, labourers in any district without having first exhibited his license to a Magistrate in such district, and obtained the countersignature of such Magistrate thereupon.

No Magistrate shall countersign a recruiter's license unless and until he has satisfied himself, by such enquiry as he thinks fit, that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act.

If any Magistrate who has countersigned a license afterwards finds reason to think that the licensee is by character or other cause unfitted to be a recruiter under this Act, he may require the licensee to produce the license and may cancel his signature ; or he may, if he thinks fit, impound the license and send it to the Emigration Agent for cancellation.

Every Magistrate refusing to countersign a recruiter's license or cancelling his signature as aforesaid, shall, without delay, report his refusal or cancellation and the grounds of it to the Protector of Emigrants who has authority to cancel the recruiter's license.

VI.—CONTRACTS

VI.—CONTRACTS WITH EMIGRANTS.

14. No contract made by a recruiter with a Native of India to emigrate shall be enforceable by the recruiter or his principal unless it

Conditions of validity of emigration-contracts.

(a) is expressed in writing;

(b) is executed by the recruiter on behalf of some principal in the Straits Settlements;

(c) states the terms, if any, agreed on as to the redemption of the recruit's engagement for employment, or of the unexpired term of such engagement;

and unless

(d) the term of the recruit's employment, the nature of the services to be performed by him, and the rate of wages to be paid in respect of the same are registered in the manner provided in section eighteen.

But nothing contained in this section shall be deemed to prevent such Native from insisting, if he thinks fit, that such contract shall be performed.

15. Every such contract shall

Contents of such contracts.

(a) contain an engagement for employment to be provided by such principal for a definite term not exceeding three years; and

(b) specify the nature of the services to be performed by such recruit and the rates of wages (not less than twelve cents a day for an able-bodied male adult) payable in respect of the same.

16. Save as provided by section fourteen, clause (c), every agreement entered into by a Native of India in the territories subject to the Governor of Fort Saint George in Council, to pay money to any person in the Straits Settlements, in consideration of pecuniary or other assistance given to such Native to emigrate, shall be illegal and void.

Certain agreements declared void.

Every contract not containing the particulars required by section fifteen shall be illegal and void.

17. Every recruit who has entered into such a contract as aforesaid shall be brought by the recruiter

Medical examination of intending emigrants.

before

medical officer as the Local Government appoints in this behalf or, in default of such appointment, before such medical officer as the Magistrate directs.

The medical officer shall thereupon examine the recruit, and shall either reject him or shall certify that he is in a fit state of health and able in point of physical condition to proceed to the Straits Settlements and to work there.

Dependents.

If it is intended that any persons shall accompany the recruit as his dependents, the recruiter shall also bring them before the medical officer for the purpose of obtaining certificates that they are in a fit state of health and able in point of physical condition to perform the journey to the Straits Settlements; and the medical officer shall examine such persons and shall give or refuse certificates according to his opinion as to their fitness and ability.

Form of certificates.

Certificates shall be in the form set forth in the second schedule hereto annexed; and the recruiter shall pay to the medical officer such fee for each person so examined as the Local Government may from time to time prescribe.

Recruit and dependent to appear before Magistrate,

18. Every certified recruit and every accompanying dependent shall appear with the recruiter before a Magistrate in the district within which the contract with the recruit was entered into.

and be examined.

The Magistrate shall thereupon inspect the instrument of contract and the medical certificate of the recruit, and shall, apart from the recruiter, examine the recruit with reference to his contract.

If it appears on such examination that the recruit understands the nature of the contract he has entered into, and that he is willing to fulfil the same, the Magistrate shall register

(a) the name, the father's name and the age of such recruit :

(b) the name of the village or place in which he resides :

(c) the

he shall proceed :

(d) the name of his employer :

(e) the term of his employment, the nature of the services to be performed by him and the rate of wages to be paid in respect of the same.

The recruit shall thereupon be deemed an emigrant under this Act.

If the Magistrate thinks that the recruit does not understand the nature of the contract into which he has entered, or has been induced to enter into it by fraud or misrepresentation, or finds that the contract is not in accordance with section fifteen, he shall refuse to register the particulars specified as aforesaid, and record his reasons for such refusal.

Registration when to be refused.

19. On the appearance of any person claiming to be dependent on an emigrant, the Magistrate, after inspecting the medical certificate, shall, apart from the recruiter, examine such person if able to give intelligent answers to questions as to his dependence upon the emigrant whom he is about to accompany, and as to his willingness to accompany such emigrant.

Examination of dependents.

If the Magistrate is satisfied that such dependence and willingness exist, he shall register the dependent as a dependent on such emigrant.

But if the Magistrate sees reason to doubt the existence of such dependence or willingness, he may refuse to register the alleged dependent, and, if so, shall record his reasons for such refusal.

20. The Magistrate shall furnish to every emigrant an authenticated copy on substantial paper of the matters registered under sections 18 and 19.

Copies of registered matters.

21. A copy of every entry made in the registry-book by a Magistrate, shall be forthwith forwarded by such Magistrate to the Emigration Agent and to the Protector of Emigrants.

Copy of entry in register to be sent to Emigration Agent and Protector.

22. The registration required by sections 18 and 19 shall, in the case of emigrants recruited in any local

Registration before Protector.

local area for which a Protector of Emigrants has been appointed, be effected before him instead of a Magistrate; and such Protector shall furnish to the emigrant one copy of the matters so registered, and another copy of the same matters to the Emigration Agent.

Fee for registration.

23. For the registration of every recruit under section 18, the recruiter shall pay to the Magistrate or to the Protector of Emigrants, as the case may be, such fee not exceeding one rupee, as may be from time to time directed by the Local Government.

VII.—ARRIVAL AT DEPÔT AND PROCEDURE THEREON.

Arrival at depôt to be reported.

24. The arrival of each emigrant at the depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

The Emigration Agent may institute such examination of the emigrants as he thinks fit in order to satisfy himself of their fitness to emigrate.

Duty of Protector on arrival of emigrants.

25. The Protector of Emigrants shall, within forty-eight hours after the arrival at the depôt of each emigrant not registered by himself, question such emigrant as to the mode in which he has been treated on his journey to the depôt, and shall at the same time examine the emigrant's contract and the copy of the register furnished to him under section 20.

If for any reason further enquiry is necessary, he shall make such enquiry forthwith.

Countersignature of register.

26. If in the opinion of the Protector of Emigrants the examination and enquiry made under section 25 disclose no valid reason against the fulfilment of the contract, and the emigrant has not become physically unfit for emigration, the Protector and the Emigration Agent shall countersign the emigrant's copy of the register, and the Emigration Agent shall make out and deliver to the emigrant an embarkation-pass signed by the Emigration Agent, and countersigned by the Protector, stating the name and the age of the emigrant and the name of his father, certifying

Grant of embarkation-pass.

certifying that he has been duly registered for emigration to the Straits Settlements and mentioning the port of debarkation.

27. If the Protector of Emigrants considers that any emigrant is physically unfit to emigrate, and that he has not dishonestly represented himself as physically fit;

When emigrant to be sent back to place of registration.

or that any such irregularity has occurred in the recruitment of any such emigrant, as makes it just to vacate the contract;

or if the Emigration Agent refuses without the consent of the Protector to countersign the emigrant's copy of the register as required by section 26, or to be bound by the contract;

the Protector of Emigrants may order the Emigration Agent, or the recruiter with whom the contract was made, forthwith to pay to him such reasonable sum as is necessary to enable such emigrant to return to the place where his name was registered under section 18; and may take any steps he thinks necessary for the conveyance of such emigrant to such place;

Payment of expenses of sending him back.

and any emigrant who from his state of health is in the opinion of the Protector of Emigrants physically unfit to undertake such return, shall be entitled to be fed, lodged and attended to at the port of embarkation at the expense of the Emigration Agent until he is reported by the Protector of Emigrants fit to undertake such return to such place.

28. If a dependent has accompanied such emigrant, the Protector of Emigrants may order the Emigration Agent or recruiter to pay such sum as is necessary to enable him to return to the place at which his name was registered under section 19, as well as to feed or lodge him during the detention (if any) of the emigrant at the depôt.

Payment of expenses of dependent accompanying emigrant.

29. If the Protector of Emigrants has reason to think that any dependent is in such a state of health that his journey to the Straits Settlements, or his detention in the depôt, would be dangerous to himself

Effect of such dependent's unfitness from ill-health to

or

and thereupon the emigrant to whom such dependent is attached shall be entitled, if he so wishes, to return as if he himself had been found under section 27 to be physically unfit to emigrate.

If the emigrant still desires to emigrate, then the dependent shall be kept and returned to the place at which he was registered as if he were an emigrant falling under section 27.

Compensation to emigrant or dependent for ill-treatment on journey to depôt.

30. If upon the arrival of any emigrant or dependent at the depôt, it appear that, during the journey thither, he has suffered any ill-treatment, or the recruiter has failed to provide him with proper and sufficient food and lodging, the Protector of Emigrants may order the Emigration Agent to pay him a reasonable sum by way of compensation.

Failure of Emigration Agent, &c., to pay such expenses.

31. On failure of the Emigration Agent or of such recruiter for twenty-four hours to comply with an order of the Protector for the payment of any sum ordered to be paid under any of the four last preceding sections, the Protector may pay the same to, or on behalf of, the emigrant.

Every sum so paid shall be recoverable by the Protector, with six per cent. per annum interest from the date of payment, from the Emigration Agent, or from such recruiter.

No further proof shall be required by any Court in any such case than that the Protector gave such Emigration Agent or recruiter an order to pay such money, and that the Emigration Agent or recruiter for a space of twenty-four hours made default in complying therewith.

Suits against Emigration Agent for breach of contract.

32. Whenever the Emigration Agent refuses, without the consent of the Protector, to countersign an emigrant's copy of the register as required by section 26, or is chargeable with a breach of any duty which any contract with an emigrant expressly or by implication imposes upon him, the Protector may, if he thinks fit, institute a suit on behalf of the emigrant

grant against the Emigration Agent for the recovery of damages for the breach of such contract.

In every such suit the contract entered into by the recruiter shall be deemed to have been entered into by, and to be binding on, the Emigration Agent.

VIII.—EMIGRANT VESSELS.

33. No Master or other person in charge of a vessel shall receive on board any emigrant unless such vessel has been licensed, under the law for the time being in force relating to the carriage by sea of Native passengers, to carry passengers for the intended voyage, and unless the Master of such vessel has obtained a certificate from the Protector of Emigrants authorizing him to receive on board the number of emigrants specified therein.

Emigrants not to be received on board vessels not licensed under Native Passengers Act, or without Protector's certificate.

No such certificate shall be granted by the Protector of Emigrants unless he has satisfied himself that the vessel has been licensed as aforesaid, and that provisions and water for the number of emigrants to be specified in the certificate according to the scale prescribed under such law have been actually put on board such vessel.

Protector not to grant certificate unless satisfied that vessel has been licensed and has provisions on board.

34. On embarkation, every emigrant shall deliver to the Master of the vessel the embarkation-pass granted to him under section 26, and the Master shall not receive any emigrant on board unless he delivers up such pass.

Emigrant to give his pass to Master.

35. The Emigration Agent shall be personally present at the embarkation of all emigrants, and shall see that the Master duly examines the passes of the emigrants, and shall himself also examine such passes.

Emigration Agent to be present at embarkation.

The Emigration Agent shall not permit any emigrant to remain on board who has not a pass.

36. The Master of every vessel carrying emigrants shall, after the embarkation of the emigrants, and before the departure of the vessel, give to the Emigration Agent a list of all emigrants on board, signed by himself and mentioning the port of debarkation,

Master to deliver list of emigrants.

and

the Emigration Agent.

A copy of such list signed by the Emigration Agent and Master shall be sent by the Emigration Agent to the Protector of Emigrants before the vessel sails.

IX.—SUPPLEMENTARY POWERS.

Power to prohibit emigration to the Straits Settlements.

37. Whenever the Governor General in Council has reason to believe that proper measures have not been taken for the protection of emigrants and the enforcement of the engagements entered into with them immediately upon their arrival at the Straits Settlements, or during their residence therein, the Governor General in Council may, by a notification published in the *Gazette of India*, declare that emigration under this Act to the said Settlements shall cease from a day to be specified in such notification.

When any notification has been published under this section, emigration under this Act and the making of contracts to emigrate to the Straits Settlements shall be unlawful from the day specified in such notification.

Revocation of prohibition.

38. Such notification may be revoked in like manner by the Governor General in Council, and thereupon emigration to the said Settlements shall again be allowed from a day to be specified in the revocation.

From the day so specified all the provisions of this Act authorizing emigration to the said Settlements shall be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced, during the time of such suspension.

X.—OFFENCES.

Making unlawful contract of labour.

39. Whoever, except under and in conformity with the provisions of this Act, engages or attempts to engage any Native of India to emigrate,

or whoever engages, or attempts to engage, any Native of India to enter into any such contract as is hereby declared illegal,

or,

or, not being a recruiter duly licensed under this Act, acts or is employed as a recruiter of labourers for the Straits Settlements,

recruiting without being licensed.

or, being a recruiter duly licensed under this Act, removes, or attempts to remove, any person whom he engages in any district from such district until the particulars required by section 18 have been duly registered,

Recruiter omitting to take engaged labourers before Magistrate or Protector.

shall be punished with imprisonment, which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

40. Whoever, by means of intoxication, violence, fraud or false pretences, causes or induces, or attempts to cause or induce, any Native of India to emigrate or to enter into any contract to emigrate, or into any such contract as is hereby declared illegal, or to proceed to the said Settlements without having entered into any contract, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both; and any police-officer may for such offence arrest him without warrant.

Use of force, fraud, &c., to cause a Native to emigrate.

41. Whoever, without lawful authority, issues any written order to the police to assist himself or any other person to procure labourers to proceed to the said Settlements, or falsely represents that such labourers are required by the Government, or are to be engaged on behalf of the Government, shall be liable to imprisonment for a term not exceeding six months, or to fine not exceeding five hundred rupees, or to both.

False representation of Government authority.

42. Any Master of a vessel not licensed as provided in section 33 who knowingly receives on board, for conveyance to the said Settlements, any emigrant or person who has entered into a contract hereby declared illegal,

Receiving emigrants on board without license or certificate.

and any Master of a vessel licensed as aforesaid, who knowingly receives any emigrant as aforesaid without having previously obtained a certificate under the said section, or in excess of the number specified in such certificate,

shall

received to imprisonment for a term which may extend to three months, or to fine not exceeding two hundred rupees, or to both, and the vessel shall be liable to be forfeited.

Failure to comply with requirements of sections 34 and 36.

43. Any Master of a vessel who receives on board such vessel any emigrant for the said Settlements and fails to comply with the requirements of sections 34 and 36, shall be liable to a fine not exceeding two hundred rupees.

Penalty for landing emigrant or dependent at other than specified port.

44. Any Master of a vessel landing any emigrant or dependent at any port other than the port of debarkation specified in embarkation-pass and list, unless in case of stress of weather or other unavoidable accident, shall be liable for every emigrant or dependent so landed to a fine not exceeding two hundred rupees, or to imprisonment for a term which may extend to one month, or to both.

Taking on board, after clearance, emigrants not entered in list.

45. Any Master of a vessel who, having cleared such vessel for the said Settlements, takes on board any emigrant not entered in the list mentioned in section 36, shall be liable to a fine not exceeding two hundred rupees for every emigrant so taken on board.

Prosecutions under Act by whom instituted.

46. All prosecutions under sections 42, 43, 44 and 45 shall be instituted by the Emigration Agent, or by the Protector of Emigrants, or by an officer appointed for the purpose by the Local Government.

Customs officers may search and detain for purposes of Act.

47. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention and detection of the illegal embarkation of emigrants on board vessels bound for the said Settlements and of other offences against this Act.

XI.—MISCELLANEOUS.

Act not to apply to certain vessels,

48. Nothing in this Act shall apply to any vessels in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

49. Nothing

tract with, or the emigration of, any Native seaman or other person who of his own free will contracts to navigate or serve on board of any vessel, or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only and who embarks as such menial servant.

tracts with Native seamen and menial servants.

50. The Emigration Agent and all persons employed by him, and the Protector of Emigrants, shall be deemed to be public servants within the meaning of the Indian Penal Code.

Emigration Agent and his subordinates, and Protector of Emigrants to be deemed public servants.

51. The Indian Emigration Act, 1871, shall not apply to the Straits Settlements, unless and until the Governor General in Council, by notification in the *Gazette of India*, declares it so to apply.

Indian Emigration Act, 1871, not to apply to Straits Settlements.

52. Act No. XIV of 1872 (*to exempt the Straits Settlements from the Indian Emigration Act, 1871*) is hereby repealed.

Repeal of Act XIV of 1872.

THE FIRST SCHEDULE.

(See section 12.)

Office of the Protector of Emigrants at the Port of

A. B. described in the Roll annexed is hereby licensed under the Straits Settlements Emigration Act, 1877, to be a recruiter of labourers.

[Here set out the local limits within which the recruiter is licensed to act.]

This license will be in force until the _____ day of _____, unless previously cancelled.

(Sd.) C. D.,
Protector of Emigrants

Dated the _____ day of _____

Descriptive

Name.	Father's name.	AGE.		Caste.	Colour.	HEIGHT.		Distinguishing marks.	Name of vil- lage and dis- trict to which he belongs.
		Years.	Months.			Feet.	Inches.		

THE SECOND SCHEDULE.

(See section 17.)

I hereby certify that I have this day examined *A. B.*, and that he is, to the best of my belief and judgment, in a fit state of health, and able, in point of physical condition, to proceed to the Straits Settlements [and to work there*].

(Sd.) *C. D.*

(Here add designation of examining officer.)

* These words to be omitted in case of women and children not engaging for labour.