An Act to encourage the introduction of Indian Native Immigrants into the Northern Territory of the Province of South Australia.

[Reserved, August 30th, 1882.]

WHEREAS by "The Northern Territory Indian Immigration Act, 1879," provision was made 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: And whereas the said Act was reserved by His Excellency the Governor of the said province for the signification of Her Majesty the Queen's pleasure thereon: And whereas Her Majesty has not signified her pleasure with respect to the said Act, and it is expedient to make other provisions for the purposes aforesaid in lieu of the provisions contained in the said Act—Be it therefore Enacted by the Governor of the said province, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The Northern Territory Indian Immigration Act, 1882."

2. This Act shall commence and take effect after a day to be declared by the Governor by Proclamation in the South Australian Government Gazette, which shall not be more than three months from the day upon which Her Majesty's pleasure upon the said Act shall be signified in the said Gazette.

3. In the construction of this Act the following words and expressions...
expressions, unless the context otherwise requires, shall have the meanings hereby assigned to them respectively—

The expression "Immigration Agent-General" includes any sub-agent of immigration acting under the authority of the Immigration Agent-General:

The expression "Emigration Agent" includes any person appointed by the Governor to Act as Emigration Agent in India:

The word "ship" shall mean a sea-going ship of any description:

The word "plantation" shall mean any 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, and shall include any cattle or sheep farm, or any wood-cutting establishment, or any railway on the construction of which immigrants are employed by the head of the Department of Public Works:

The word "employer" shall mean the proprietor or lessee of a plantation, or the attorney or agent of such proprietor, and shall include the manager for the time being in charge of such plantation:

The word "manager" shall mean the person for the time being having the personal care or superintendence of a plantation, and shall include any overseer acting under his authority:

The word "immigrant" shall mean any native of India introduced into the said Northern Territory, either wholly or in part at the expense of the Immigration Fund, and shall include the children of an indentured immigrant:

The expressions "indenture" and "indentured" shall mean a contract of service registered under this Act, and a person subject to such contract respectively:

The word "adult" shall mean an immigrant of or above the age of fifteen years:

The word "minor" shall mean an immigrant under the age of fifteen years, and of or above the age of ten years:

The word "infant" shall mean an immigrant under the age of ten years:

The words "adult," "minor," and "infant" respectively include an immigrant of uncertain age who has been estimated by the Immigration Agent to be an adult, minor, or infant, as the case may be:

The word "Justice" shall mean any Stipendiary Magistrate, any Special Magistrate, and any Justice of the Peace for the said province:

The expression "any medical officer" shall mean any medical officer of the Indian Native Immigration Department of the said
said Territory, appointed by the Governor, directed by him or the Government Resident, or the Immigration Agent-General, to perform the particular duty, service, or purpose in connection with which such expression is used.

4. The several forms in the Schedule hereunto annexed shall be used for the several matters in this Act upon which reference is made to them by the respective numbers of such forms: And the Immigration Agent-General, with the approval of the Governor in Council, may from time to time cause such forms to be varied or altered; and also additional forms to be framed as occasion may require for the purpose of carrying out the provisions of this Act; and such varied, altered, or additional forms shall have the same force and effect as if they were incorporated in the Schedule to this Act: Provided always that every such form shall be first published in the Government Gazette, and that copies thereof shall be sent by the Immigration Agent-General to all persons required under penalties by this Act to fill up and use any form for which such form may have been substituted.

5. This Act shall be divided into parts as follows—

Division of Act.

I. Officers of Immigration Department, and their Duties:

II. Fiscal Provisions:

III. Proceedings on Allotment of Immigrants:

IV. Respecting the Treatment of Immigrants on Arrival, and the Treatment of Minor and Infant Immigrants:

V. The Determination and Transfer of Contracts:

VI. Re-Indentures:

VII. Desertion and Leave:

VIII. The Labor Law:

IX. Hospitals:

X. Dwellings:

XI. The Rationing of Immigrants:

XII. Passports and Return Passages:

XIII. Registers, Returns, and Certificates:

XIV. Procedure:

XV. Miscellaneous.

PART I.

OFFICERS OF IMMIGRATION DEPARTMENT, AND THEIR DUTIES.

6. An Immigration Agent-General for the said Northern Territory shall be selected by the Government of India, and appointed by
by the Governor. To the officer thus appointed shall be assigned such salary as shall be deemed proper, and he may be required to give security, by himself and two sureties, jointly and severally, to such amount as may be determined by the Governor, for the faithful performance of his duties, and for the due accounting for, and payment of, all moneys received by him. The said officer shall be subordinate to the Government Resident of the said Territory, but shall not be suspended or removed except by the Governor; and information of any such suspension or removal shall be forthwith given to the Government of India. He shall from time to time furnish the Government of India with a duplicate copy of any reports which, in the course of his duties under this Act, he may submit to the Governor.

7. The Governor may from time to time appoint emigration agents at Calcutta, Madras, and Bombay, or at any of such places; and upon such appointments being approved by the Local Government of the respective Presidencies, the person or persons so appointed shall be such emigration agents respectively; and every such emigration agent may be suspended or removed by the Governor.

8. The Governor, upon the recommendation of the emigration agent in any port or place, may appoint clerks, interpreters, or other persons to be employed in the work of the emigration office of the said province in that port or place.

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

10. It shall be the duty of the Immigration Agent-General, subject to the control of the Governor, once in every six months, upon some day of which he shall give previous notice to the manager, to visit every plantation upon which there may be any immigrants under indenture, to receive and take cognizance of the complaints of immigrants, and thereupon to give advice, to conduct investigations, and institute prosecutions, as the circumstances may require: to assist any Stipendiary Magistrate, and any Justice of the Peace, if required, in the estimation of wages: to keep the registers of the said Immigration Department, and to exercise and perform such other functions and duties in relation to immigration matters as are prescribed in this Act or shall be entrusted to him by the Governor.

11. The Immigration Agent-General may at any time enter into and upon any plantation on which immigrants may be employed, and inspect the state and condition and general treatment of the immigrants, and the state and condition of their dwelling-houses and hospital accommodation; and may inquire into any complaint which the employer may have to make against any immigrant,
grant, or which any immigrant may have to make against the employer, or which may be reported to him by any medical officer to the Immigration Department, or otherwise be brought to his notice; and may, either before or after such inquiry, lay an information or make a complaint in his own name on behalf of any immigrant against the employer, or against any other person, before any Justice of the Peace of the said Northern Territory; and may, if necessary, lay such information or make such complaint in any of the Courts of Law of the said Territory having jurisdiction to hear, try, and determine the offence or other matter charged against such employer or other person; and the Immigration Agent-General shall watch the proceedings of any such information or complaint on behalf of such immigrant, and may, if necessary, appeal from any decision to any superior Court having jurisdiction in the case; and may, in such superior Court, retain the service of counsel; and may in all respects act on behalf of such immigrant as if he himself were the principal in the cause, and shall report the course of such proceedings from time to time and the final result thereof to the Governor.

12. The Governor may appoint, from time to time, such one or more duly qualified medical practitioner or practitioners as may be necessary to be medical officers of such Immigration Department, at such salary as shall be deemed proper, and may suspend and remove any such officer; and every such medical officer shall act as the medical officer to the plantations on which there are immigrants employed, and as medical attendant to the hospitals certified under this Act; and every such officer shall be responsible to, and act under the directions of, the Immigration Agent-General.

13. One of the medical officers shall, at least once in every month, visit every plantation upon which immigrants are indentured, and shall on every such visit inspect the condition of the hospital, and of the dwellings of immigrants, and shall ascertain whether the provisions of this Act in that behalf have been duly complied with, and shall every half year make report to the Immigration Agent-General of the condition and management of all hospitals and plantations visited by him during the last six months, and of the condition of the dwellings of immigrants on such plantations, and of the yard and grounds about the same, and shall, at any time when specially required by the Immigration Agent-General, visit any plantation for the purpose of investigating, and shall, after such visit, or after any regular visit to a plantation, report specially upon any matter affecting the sanitary condition of the immigrants on such plantation upon which his report may be required by the Immigration Agent-General.

14. The Governor may appoint such number of sub-agents of immigration, clerks, interpreters, or other officers residing within the said province as may be necessary for the performance of the ordinary
ordinary or any special duties of the Immigration Department, at such salaries as shall be deemed proper.

15. The Immigration Agent-General shall, subject to the control of the Governor, have authority over the several sub-agents, clerks, interpreters, and other persons employed in his office, and shall assign to each his duties, and may delegate to a sub-agent the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may, when conducting any investigation on a plantation, require the presence and assistance of one of the medical officers, and may also employ such persons as he may deem necessary as interpreters or judges of work, and may award any such person for his services a sum not exceeding Twenty Shillings for each day that he shall be so employed; and all expenses so incurred by the Immigration Agent-General, or by a sub-agent acting under his directions, and all travelling expenses incurred by the Immigration Agent-General, or by his subordinates under his directions, or by the medical officers of this department, in the discharge of their respective duties, which shall be attested by proper vouchers, shall be paid as hereinafter provided.

16. Every person who shall molest, hinder, or oppose the Immigration Agent-General, or any medical officer appointed under this Act, in the due execution of his duty, or in the exercise of any of the powers or authorities conferred upon him by this Act, shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to the payment of a fine not exceeding Ten Pounds, or to imprisonment, with or without hard labor, for any time not exceeding six months, or to both.

17. Every Emigration Agent shall transmit his accounts to the Immigration Agent-General, with proper vouchers, at such times as the Governor shall direct, and the amount of all necessary expenses incurred by him in the collection, maintenance, medical attendance, and inspection of emigrants, and for the conveyance to this province, and of all just and reasonable expenses incurred by him in, or incidental to, the sending back to their homes of any Indian emigrants who may be rejected at the port of embarkation, or to the sending back to the port from which they sailed of any Indian immigrants entitled to free return passages under this Act, which shall be attested by proper vouchers, shall be paid as hereinafter provided.

PART II.

FISCAL PROVISIONS.

18. The cost of the Indian Native Immigration Department of the said Territory, including the salaries of the Immigration Agent-General, sub-agents of immigration, and other persons employed in the duties of the immigration office within the said Territory,
Territory, the salaries of the medical officers to the department, and all expenses incurred as aforesaid by the Immigration Agent-General, or under his authority, in discharging the duties of his office (but not the salaries of emigration agents and other persons employed without the limits of the colony, or any other expenses incurred without such limits), shall be defrayed out of the general revenue of the said province.

19. The Northern Territory Immigration Fund shall be debited with the whole annual cost of immigration (exclusive of such charges as are defrayed out of the general revenue under the preceding section), including the salaries of the emigration agents and their subordinates, and all expenses incurred by such emigration agents in the performance of their duties without the limits of the said province, the expenses of the introduction of immigrants, of the immigration depot, and for the back passages for such immigrants as are or shall become entitled to a free passage to the port or place from whence they emigrated, and such fund shall be credited with all sums of money paid by the employers of emigrants for indenture fees, and with such sum as shall be annually appropriated to that purpose out of the general revenue by the Parliament of the said province.

20. The Immigration Agent-General shall, on behalf of the said province, sue for and recover in a summary way all debts which may at any time become due and payable to the said Immigration Fund, and shall, in respect to all sums of money due and promissory notes made payable to the said Immigration Fund on account of any immigrants indentured on a plantation, have and hold for the same a preferent lien on such plantation over and above all liens and claims, charges and mortgages, legal and equitable, except liens and preferent bequests of the Crown, and such as have been allowed or created by any Act: Provided that, in the case of plantations under lease, where the consent of the lessor has not been given to the lessees’ application for the immigrants in respect of whom such preferent lien is claimed, the plantation shall not be subject thereto except to the extent of the interest of the lessee in his lease.

21. In case any plantation in respect to which promissory notes shall have been given by any employer under this Act shall be sold by private contract or by judicial sale, or shall devolve by inheritance, demise, or otherwise, the preferent lien of the Immigration Agent-General upon such plantation for the amount of all such promissory notes, with interest, shall subsist and continue notwithstanding such sale and notwithstanding any transfer or transmission.

22. Immediately upon any such sale, the purchaser shall be bound to make out and deliver to the Immigration Agent-General on behalf of the said province, in lieu of any such promissory notes which may be outstanding, a new promissory note, payable at the same dates as such outstanding note, with interest thereon as from the day of sale; and if any purchaser shall neglect or refuse, on demand
PART II.

Manner of enforcing claim.

23. In any proceedings taken for the recovery of the amount of any promissory notes given, or any sum of money payable to the said Immigration Fund, in respect of any immigrant allotted to or indentured on a plantation, it shall not be necessary to show that the person who signed such promissory notes in the allotment to him of such immigrant, or to whom such immigrant was duly allotted or indentured, was the employer or other person entitled under this Act to have such immigrant allotted or indentured to him, in respect to the plantation from which such amount or sum is sought to be recovered; but it shall be sufficient to show that such immigrant was duly allotted or indentured, as the case may be, to perform service on such plantation.

Order of disbursements from Immigration Fund.

24. All sums of money which may be received in respect of immigrants by the Immigration Agent-General, or otherwise, to which any employer shall be entitled, by whom any still outstanding promissory notes may have been given under this Act, shall be applied in the first place to the payment of such promissory notes, whether they shall at the time have become due and payable or not, and in the order in which they shall fall due, and any interest which may have accrued shall be paid before the principal, and the balance of such sums shall be paid in cash to the employer entitled to the same.

PART III.

PROCEEDINGS ON ALLOTMENT OF IMMIGRANTS.

25. Every employer desirous of obtaining allotments of immigrants shall, on or before the first day of May, or such other day in each year as may from time to time be fixed by the Governor, send in to the Immigration Agent-General an application in writing specifying the number of immigrants of each nationality required, and the name and situation of the plantation to which he wishes such immigrants to be assigned, and the name of the proprietor or lessee of such plantation; and the Immigration Agent-General shall register every such application in the register of applications for immigrants (Schedule No. 2).

26. Every such application, if made by or on the part of any lessee of a plantation, shall be accompanied by consent in writing of the proprietor, or, in default of such consent, the lessee shall show to the satisfaction of the Immigration Agent-General that he is prepared
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prepared to pay in cash, on allotment, the full amount of indenture fees payable in respect of all immigrants so applied for.

27. If any such application shall be made by or on the part of the proprietor of an estate under mortgage, and the mortgagee or his representative shall object in writing to such application being complied with, it shall be the duty of the Immigration Agent-General to refuse such application, unless such proprietor shall satisfy him that he is prepared to pay in cash, on allotment, the full amount of indenture fees payable as aforesaid.

28. No application shall be rendered invalid, or in any way affected, by reason of the death, insolvency, or absence of the employer by whom such application was made, or by reason of the sale by private contract, or at any judicial sale, of the plantation in respect to which such application has been made, and no application duly made may be withdrawn without the permission of the Immigration Agent-General.

29. The head of the Department of Public Works may, with the sanction of the Governor, apply for the allotment of such immigrants as shall be required for the service of the said Territory on the construction of railways, and shall be considered, for the purposes of this Act, as the employer of such immigrants as may be allotted in consequence of such application.

30. Nothing in this Act contained shall be held to interfere with the power of the Immigration Agent-General, subject to the control of the Government Resident, to refuse any application for immigrants in case he shall see reasonable ground for such refusal; but every such refusal and the grounds thereof shall be communicated to the employer, upon the receipt of his application, or so soon thereafter as possible, and also to the Government Resident.

31. When the applications for immigrants have been completed, a list of such applications shall be submitted by the Immigration Agent-General to the Government Resident, and the question how far they can be complied with shall thereupon be considered and determined by him.

PART IV.

RESPECTING THE TREATMENT OF IMMIGRANTS ON ARRIVAL, AND THE TREATMENT OF MINOR AND INFANT IMMIGRANTS.

32. On the arrival at the port or ports appointed for debarkation of any ship having immigrants on board, the Immigration Agent-General, assisted by one of the medical officers of the said department,
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PART IV.

Disposal of sick on arrival.

33. The Immigration Agent-General shall, with the assistance of any medical officer of the department, or, in his absence or inability to act, by the Health Officer of the port, and of the Surgeon Superintendent of the ship, examine the sick, if any, among the immigrants on board, and shall cause such of them as may require it to be sent to the hospital required to be provided at the depôt established at any port or ports for the reception of immigrants on arrival, and shall transmit with them a list, signed by one of the medical officers to the department, or by the Health Officer of the port, and by the Surgeon Superintendent, stating the name, sex, age, disease, and length of time under treatment of each immigrant so sent, and the number by which he was designated on board ship.

Board and lodging of immigrants on arrival.

34. Every immigrant arriving in the colony shall be provided with food and lodging in the immigration depôt until he be provided with the means of earning his subsistence.

Order of distribution.

35. Allotment shall, in the first place, be made to the head of the Department of Public Works of such immigrants as he may have applied for, and afterwards to the several employers who have made application, in such manner as the Immigration Agent-General shall determine, and in such order as the Government Resident shall from time to time direct.

Order of allotment.

36. In making allotments, husbands shall not be separated from their wives, or minors and infants from their parents and natural guardians, and, so far as may be possible, members of the same family and neighbors from the same village, and persons who may agree in representing themselves to be friends and associates, shall not be separated from each other.

The indenture fee.

37. The indenture fee payable by the employer to the said Immigration Fund in respect of each adult immigrant shall be the sum of Ten Pounds, or such other sum as shall be fixed from time to time by the Governor; and the indenture fee payable in respect of each minor immigrant shall be one-half that which would have been payable if he had been an adult; and when any immigrant shall be allotted to any department for the public service of the colony, the department shall pay to the Immigration Fund in respect of such allotment
allotment the same sum that would have been payable by any private employer.

38. In any allotment the Immigration Agent-General shall, with the assistance of any medical officer to the said department, or, in his absence or inability to act, of the Health Officer of the port, distinguish every immigrant who is in his opinion not able-bodied and not capable of performing service as an agricultural laborer; and the indenture fee payable in respect of any such immigrant shall be such part of that which would have been payable in respect of such immigrant if he had been an able-bodied immigrant as the Immigration Agent-General may think proper, or such immigrant may be indentured without payment of any indenture fee, and the indenture may prescribe such conditions as to the nature of the employment to be assigned to the immigrant as the Immigration Agent-General may deem necessary.

39. On the completion of every allotment or other disposition of immigrants on introduction, the Immigration Agent-General shall register every immigrant included in such allotment or disposition in the general register of immigrants introduced into the said province (Schedule No. 3), 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 or his representative an indenture list, signed by all the adult and minor immigrants allotted to him (Schedule No. 7), and shall transmit to the Auditor-General a return showing the number of immigrants included in such allotment, and the sums payable by way of indenture fee in respect of such immigrants, and I shall deliver to every adult or minor immigrant included in such allotment a certificate of indenture (Schedule No. 8), and every such employer and immigrant shall thereupon be, and be taken to be, bound by such indenture accordingly.

40. Unless the Governor shall specially require the indenture fees on any allotment to be paid in cash, payment thereof shall be made in the following manner:—One-tenth in cash forthwith, and for the balance five promissory notes shall be given, bearing date the day of the arrival of the ship in which such immigrants were introduced, the first for one-tenth of such indenture fees, payable with interest at the rate of six per centum per annum at the end of one year from the date thereof, and each of the remaining notes for one-fifth thereof, payable with interest at the same rate, one at the end of each of the four years then next following: Provided that if the employer shall neglect or refuse to pay, within six days after his account shall have been rendered to him by the Immigration Agent-General, either wholly in cash, or partly in cash and partly in promissory notes, as provided by this Act, the amount of indenture fees payable in respect of such allotment, the whole shall thereupon fall due and become
PART IV.

Delivery of immigrants.

Annual report of allotments.

Term of indenture of immigrants.

Exemption of infant immigrants.

Rights of minor, infant, &c., immigrants.

PART V.

THE DETERMINATION AND TRANSFER OF CONTRACTS.

Dissolution of indenture for disability of immigrant.

41. If any employer to whom an allotment may be made shall not take away the immigrants so allotted to him within four days after the delivery to him of his indenture list of such immigrants, he shall pay to the said Immigration Fund at the rate of One Shilling for every adult immigrant and Sixpence for every minor immigrant for every day that such immigrant shall remain in the depot.

42. The Immigration Agent-General shall, as soon as possible after the first day of July in every year, publish in the Government Gazette a list of all ships which have arrived with immigrants, and of the allotments and distribution of such immigrants during the preceding season.

43. The indentures of immigrants arriving in the said territory shall be for the term of five years from the date of their respective allotments.

44. No infant immigrant shall be indentured, or shall be compelled to perform any service whatever upon any plantation.

45. Every minor or infant immigrant residing on a plantation, and every immigrant indentured as other than an able-bodied immigrant, shall be entitled to the same rights and privileges and immunities as able-bodied immigrants under indenture are entitled to under this Act.

46. If within three months from the allotment of any immigrant he shall die, or it shall appear that he has any such disease or other disability as may render him permanently unable to perform service under contract, and if the employer shall send to the Immigration Agent-General a certificate of the death, disease, or disability of such immigrant, under the hand of one of the medical officers, the Immigration Agent-General may declare the contract void, and the indenture fee paid in respect of such immigrant shall thereupon become repayable to the employer out of the Immigration Fund.

47. Every...
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47. Every immigrant indentured for five years, on introduction to the said Territory, shall be furnished by his employer with a livret, or book of work, which shall contain—

(a) A receptacle for the safe keeping of his certificate of indenture, or other papers:

(b) Such popular statements of his obligations and rights, under this Act or otherwise, legibly printed in his own vernacular tongue, as shall be from time to time put forth by the Immigration Agent-General with the approval of the Governor:
Provided that such statement shall not have any legislative force in contravention of this Act, or validity by way of contract as between the immigrant and his employer:

(c) Three thousand six hundred and forty blank squares or spaces symmetrically arranged in such manner as is delineated in the Schedule No. 1. hereunto annexed, or shall be from time to time sanctioned by the Immigration Agent-General in that behalf.

48. Every immigrant shall be required to present his livret to the manager weekly upon the weekly pay-day to be made up, and thereupon the manager shall draw a line through or otherwise cancel one of the spaces for every Sixpence which the immigrant shall have earned since his last presentation of the same, and shall carry over any sum less than Sixpence and enter the same on the next succeeding blank space, and insert in such space the date of payment; and on the next presentation of such livret he shall add the said balance to the sum then earned, and proceed as before, and shall return the livret so made up to the immigrant at latest on the next day but one before the next weekly pay-day.

49. In the case of the loss by an indentured immigrant of his livret, the employer shall be bound to furnish him with another livret upon payment by such immigrant of Eight Shillings, and shall fully make up such new livret to the current date by the cancelling of so many spaces as shall correspond to the earnings of such immigrant since the date of his indenture.

50. So soon as all the spaces in the livret shall have been signed, or become due for signature, the indenture of the immigrant holding it shall absolutely cease and be determined.

51. In case of any dispute in respect of entries made or omitted to be made in the livret arising between an employer and his indentured immigrant, the party aggrieved may lay a complaint before any Justice of the Peace, who shall have power to hear, try, and determine the dispute, and to make such order in the premises as to him shall seem just, and shall direct by whom and in what proportion
52. The commutation money payable under this Act, on the termination or transfer of the indenture of any immigrant on introduction, shall be calculated at the rate, for every year or portion of the year remaining unexpired of such indenture, of one-fifth of the indenture fare payable by the employer in respect of such indenture, together with interest thereon at the rate of Six Pounds per centum per annum since the commencement of such indenture, and all such commutation money shall be paid to the Immigration Fund, and shall be payable thereout to the employer.

53. Any immigrant under indenture who shall be married to a wife or husband on any other plantation shall be entitled, upon giving three months' 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 shall, by the request of the commuting immigrant, advance the 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.

54. On termination of the indenture of any female immigrant, whether by expiration in due course, 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 shall have paid any indenture fee or bounty; and if such female immigrant shall remove in order to become indentured to a new employer, and such employer shall advance, by her request, the commutation money of any such minor immigrant, the minor may be re-indentured to such employer for the unexpired remainder of the indenture so commuted.

55. Upon information laid before any Justice of the Peace by the manager of a plantation, or by a female Indian immigrant, or any other person on her behalf, that the husband of such female immigrant, or her betrothed or reputed husband, according to the custom of the country, or any Indian immigrant with whom she may cohabit or may have cohabited, did unlawfully threaten to murder, wound, beat, or illtreat her, and that from any such threats she apprehends, or has reason to apprehend, any bodily harm or injury, such Justice of the Peace shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats; and any immigrant using such threats shall be guilty of an offence, and shall, upon conviction thereof, be liable to be imprisoned, with or without hard labor, for such term not exceeding one month as the convicting Justice of the Peace shall direct; and upon such information, whether the immigrant accused shall be convicted or otherwise, if it shall appear that any threats used by such immigrant were occasioned
occasioned by jealousy, in regard to such female immigrant, of any other person employed on the plantation, it shall be lawful for the Justice of the Peace in his discretion to make order for the removal from the plantation of any such person being an indentured immigrant, or of any such female immigrant threatened, or of any immigrant using such threats, who may be indentured to such plantation, whichever shall in his judgment be most expedient, and may direct any immigrant so ordered to be removed to be detained in custody until his transfer to some other plantation; and the Justice of the Peace shall forward a copy of any such proceedings to the Immigration Agent-General, and the Immigration Agent-General may permit any such immigrant to commute or may transfer him to any other employer willing to accept his services, and to pay the commutation money.

56. If it shall at any time appear to the Government Resident, 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 who may be willing to accept their services, and to pay the commutation money.

57. Every lessee of a plantation whose term of lease shall expire 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 Immigration Agent-General, who may be willing to accept his services, and to pay the commutation money: Provided that of any such employers the first option of having such transfer made to him shall be with the lessor of the plantation.

58. In the event of any plantation on which an immigrant may be under indenture being sold either by public or private contract or by judicial process, or being leased, or devolved by inheritance, devise, or otherwise, he 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.

59. The Immigration Agent-General may, at the joint request of any employer and his indentured immigrant, allow the indenture of such immigrant to be determined, and may, at 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, and may allow such immigrants to be temporarily transferred for any term not exceeding twelve months to any plantation the owner of which shall be willing to accept their services, and during such term such immigrants shall be deemed to be indentured to such other
other employer for all the purposes of this Act: Provided that no such determination, removal, or transfer shall in anywise affect in lien of the said province upon the original plantation, or the pecuniary liability of any employer to the Immigration Fund.

60. Upon report made by any Justice of the Peace of a conviction of any employer by him under this Act for ill-usage of his indentured immigrant or the unlawful withholding of wages, the Government Resident shall have power to declare the indenture of such immigrant determined, and may thereupon direct the Immigration Agent-General to re-indenture such immigrant for the remainder of his term of service to any other employer willing to accept his services, and such other employer shall pay to the Immigration Fund by way of indenture fee the sum which would have been paid by such immigrant if he had commuted, and such sum shall be paid thereupon to the former employer if the Government Resident shall so order.

61. Except as in this Act provided, no indenture shall be determined or transferred either by agreement between the employer and immigrant or otherwise; and the Immigration Agent-General shall record every determination or transfer other than a temporary transfer in the general register of immigrants introduced into the said province, and shall deliver to the employer to whom any immigrant is transferred a new indentured list, and to the immigrant transferred a new certificate of indenture, and such employer and immigrant shall thereupon be, and be taken to be, bound by such indenture accordingly.

PART VI.
RE-INDENTURES.

62. Every immigrant who may have completed any term of service under indenture, or whose indenture may have been duly determined, under this Act, shall be entitled to receive from the Immigration Agent-General, free of charge, a certificate of exemption from labor (Schedule No. 9), and the Immigration Agent-General shall register every such certificate in the general register of certificates of exemption from labor (Schedule No. 5).

63. The manager of every plantation about to be officially visited by the Immigration Agent-General shall give previous notice of every such intended official visit to the immigrants on such plantation, and shall on every such visit produce before the Immigration Agent-General every immigrant who shall, since the last of such visits, have completed his term of service under indenture, or who will in the course of time within six months hereafter complete the same; and the Immigration Agent-General shall deliver to every
every such immigrant a certificate of exemption from labor, and shall, if necessary, indorse such certificate with the word "provisional," and with the date at which such certificate will in the course of time become due.

64. So soon as any provisional certificate of exemption from labor shall, either in the course of time or otherwise, have become due, the immigrant may call upon his employer to indorse the same, and any employer refusing or neglecting to indorse such certificate when due shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding Two Pounds, and, in addition to such fine, shall pay to the immigrant an absolute accumulating sum of One Shilling for every day of such default.

65. Every employer may enter into a contract of service under indenture (Schedule No. 10) with any adult immigrant possessing a certificate of exemption from labor then due, provided such contract shall be specified to be for service on any plantation on which such employer shall at the time have immigrants indentured to him, or in regard to which this application for an allotment shall not have been refused, or which shall have been surveyed and approved in that behalf by the Immigration Agent-General; and every such contract may be for any term not exceeding five years from the date thereof: Provided that the Governor may, by resolution, from time to time fix any less term as the maximum term for which such indenture may be entered into.

66. No contract of service shall be valid against the immigrant party thereto unless signed by such immigrant in the presence of, and duly certified by, a Justice of the Peace (Schedule No. 10); and such Justice shall certify that such signature or mark was made voluntarily by such immigrant, and that the contents of such contract had been fully explained to, and were, to the best of such Justice's belief, understood by such immigrant, and that the bounty hereinafter provided was paid to such immigrant in his presence: Provided always that every immigrant on entering into a contract of service shall produce to the Justice his certificate of exemption from labor, and that if such certificate be indorsed "provisional," the Justice shall ascertain before certifying the contract that the certificate has been duly indorsed by the last employer of such immigrant, or is fully due notwithstanding the absence of such indorsement; and the Justice shall thereupon deliver the contract of service, so certified as aforesaid, to the employer, and shall transmit such certificate of exemption from labor, indorsed under his signature with the date of such contract and the name of the plantation in which such service is to be performed, to the Immigration Agent-General.

67. Every immigrant who shall enter into a contract of service under indenture shall, until he can be re-indentured in pursuance thereof, as in this Act provided, be subject in all respects to the provisions
provisions of this Act as if he were under indenture, and shall have the same rights, privileges, and immunities, and be subject to the same penalties, as an indentured immigrant.

68. Upon the execution of any contract of service the employer shall become liable to the said Immigration Fund in the amount of such contract duty at the rate of Three Pounds per annum, or such other rate as shall be fixed from time to time by the Governor, as long as such contract remains in force.

69. The manager of every plantation officially visited by the Immigration Agent-General shall produce before the Immigration Agent-General, at every such visit, any immigrant who may since the last of such visits have entered into a contract of service under indenture on such plantation, and shall deliver to the Immigration Agent-General the contract of service; and if the Immigration Agent-General is satisfied that such contract is a valid and subsisting contract, he shall register such immigrant and the duration of his indenture in the general register of immigrants indentured under contract (Schedule No. 6), and shall deliver to the employer an indenture list of all the immigrants so registered (Schedule No. 11), and to each of such immigrants whose indenture shall expire before the next visit of the Immigration Agent-General, a new certificate of exemption from labor (Schedule No. 9) indorsed with the word "provisional," and with the date at which certificate will fall due, and to every other such other immigrant a certificate of indenture (Schedule No. 8); and every such employer and immigrant shall be, and shall be taken to be, bound by such indenture accordingly.

70. Every infant immigrant who shall attain the age of ten years while residing on a plantation, and every minor immigrant whose contract shall expire before he attains the age of fifteen years, may, at the next visit of the Immigration Agent-General to the plantation, be indentured to the employer on whose plantation he is residing; and every such indenture may be for any term not exceeding five years from the date thereof: Provided that the Governor may from time to time fix any less term as the maximum term for which any such indenture may be entered into. The Immigration Agent-General shall register such immigrant and the duration of his indenture in the register of minor immigrants indentured on plantations (Schedule No. 4), and shall deliver the proper indenture list and certificate of indenture, or provisional certificate of exemption from labor, to the employer and immigrant respectively; and such employer and immigrant shall thereupon be, and be taken to be, bound by such indenture accordingly.

71. The bounty payable by the employer in respect of any immigrant indentured on a plantation shall be not less than at the rate of Two Pounds for every year, or at a proportionate rate for every fraction of a year of such indenture, or such other minimum rate
rate as shall from time to time be fixed by the Governor: Provided that in the case of every immigrant so indentured who shall, in the opinion of the Immigration Agent-General, be other than an able-bodied immigrant, and in the case of every minor immigrant, the minimum rate of the bounty shall be, and be fixed at, one-half of that which would have been payable if such immigrant had been able-bodied or adult, respectively.

72. The commutation money payable under this Act on determination of transfer of an indenture entered into on the plantation, shall be such part of the amount of the bounty which shall have been paid by the employer in respect of such indenture, as shall be proportionate to the unexpired remainder of such indenture, with interest thereon at the rate of Six Pounds per centum per annum since the commutation of such indenture.

73. Every immigrant who shall have entered into an indenture on a plantation for a period of more than one year, shall, after the expiration of the first nine months, be entitled, upon giving three months’ notice to his employer, to determine this indenture on payment of the commutation money.

74. Of any bounty paid by the employer upon the indenture of a minor immigrant, only such portion as the Immigration Agent-General shall permit may be paid to the parents or natural guardians of such immigrant, and the balance shall be invested in the Savings Bank, or otherwise secured to the satisfaction of the Immigration Agent-General, for the benefit of such minor immigrant, until his attaining the age of fifteen years.

75. Except as in this Act provided, with regard to re-indentures and contracts of service under indenture, the hirings, whether verbal or in writing, of all immigrants possessed of or entitled to a certificate of exemption from labor shall be subject to, and governed by, the provisions of any Act now or hereafter to be in force regulating the hirings of servants and other laborers not immigrants within the meaning of this Act: Provided always that, except as aforesaid, no contract of any such immigrant shall be taken to be an indenture within the meaning of this Act: Provided further that, except as aforesaid, 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 that effect notwithstanding.

PART VII.
DESERTION AND LEAVE.

76. Every indentured immigrant who, being an able-bodied male adult immigrant, shall have earned wages at the rate of at least Four Shillings and Sixpence per week, or being any other immigrant, shall have earned wages at the rate of at least Three Shillings per week during
Part VII.

Apprehension of deserters.

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 every employer shall, at the request of such immigrant, furnish him with a free pass accordingly, good for as many days as he may require and be entitled to have leave of absence for: Provided that no immigrant shall be entitled to leave of absence, and no employer, except for special cause to be stated in such pass, shall be entitled to give leave to any indentured immigrant, for more than seven days at any one time, or 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; and every employer refusing a pass to which any immigrant is entitled, or giving a pass in excess of the limits allowed in this Act, or stating in any pass extended as aforesaid a false, frivolous, or pretended cause for such extension, shall be guilty of an offence, and shall, on conviction at the complaint of the Immigration Agent-General, pay a fine not exceeding Five Pounds.

77. If any immigrant under indenture shall, without leave, absent himself for seven days from the plantation, he shall be taken to be a deserter from such plantation; and the manager shall thereupon proceed to lay an information or make a complaint against him in that behalf before any Justice of the Peace, and to apply for a warrant for his apprehension; and such warrant shall be granted free of cost, and shall be directed to all members of the police force or constables; and every manager failing to lay such information before the Justice within fourteen days after such immigrant shall have become a deserter shall be guilty of an offence, and shall, on conviction at the complaint of the Immigration Agent-General, pay a fine not exceeding Five Pounds, and shall, in addition to such fine, pay an absolute accumulating fine of Two Shillings for every day of such default.

Register of desertions and absence on leave.

78. Every manager of a plantation on which immigrants shall be indentured shall keep a register of desertions and absence on leave, and shall enter therein every desertion of an indentured immigrant from such plantation, with the date on which such immigrant was last seen at work on the plantation, and every pass granted by him to an indentured immigrant, with the date and period and the cause of extension, if any, of such pass, and also every leave of absence granted verbally to any such immigrant which shall extend over the night.

Penalty for desertion.

79. Every immigrant under indenture who shall desert from his plantation shall be guilty of an offence, and shall, on first conviction, pay a fine not exceeding Two Pounds, or be imprisoned with hard labor for a term not exceeding one month, or pay such fine and be so imprisoned; and, on a second or subsequent conviction, shall pay a fine not exceeding Five Pounds, or be imprisoned for a term not exceeding two months, or pay such fine and be so imprisoned as the convicting Justice shall direct; and such Justice shall, upon any
any such conviction, make order that the indenture of such immigrant, if unexpired, shall, on the expiration thereof, be prolonged, and if already expired, shall on and from the expiration of any sentence of imprisonment then passed, and if no such sentence shall be passed, on and from the date of such conviction, be renewed for such period as shall have elapsed from the time when such deserter first quitted the plantation till the expiration of his indenture, if already expired, and, if not, till the date of his apprehension, and shall make and sign an entry to that effect in the plantation register of desertions and absences on leave, and shall make order for the re-conveyance of such immigrant to his plantation, either then immediately or immediately after the expiration of any sentence of imprisonment then passed; and such indenture shall thereupon be taken to be so prolonged or renewed accordingly.

80. When any indentured immigrant shall be sentenced by any Court to imprisonment for any crime, his employer shall be entitled to procure from the Court sentencing him a certificate of his conviction and imprisonment; and on presentation of the same to any Justice of the Peace such Justice shall make order that the indenture shall, on expiration of the imprisonment, be prolonged, or renewed, as the case may be, for a term equal to that of his indenture which he may have passed in imprisonment; and, on his liberation from imprisonment, the immigrant shall be re-conveyed to his plantation, and his indenture shall be taken to be prolonged or renewed accordingly.

81. Every police officer or constable may, without warrant, stop any immigrant whom he may have cause to suspect of being absent from his plantation without leave, and may require him to show his certificate of exemption from labor, or a pass signed by his employer; and if such immigrant shall not produce any such certificate or pass, the police officer or constable may thereupon take him into custody, and carry him, if elsewhere than in Port Darwin, to the nearest police station, and, if in Port Darwin, to the office of the Immigration Agent-General, and if such immigrant shall be ascertained to be under indenture to any employer, the police officer shall communicate with such employer, and the immigrant shall be detained in custody until he can be charged before any Justice of the Peace, or until he shall give security for his appearance to answer such charge: Provided that, if the employer shall so require, the police officer or constable shall cause such immigrant to be re-conducted to his plantation.

82. If any immigrant, on being brought to the Immigration Agent-General or to any police station by any police officer or constable, shall wilfully refuse to give his name, or the name of the ship in which he was introduced into the colony, or any other information that may reasonably be required by the Immigration Agent-General, or by the officer in charge of such police station for purposes of identification, he shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding One Pound or be imprisoned, with or without hard labor, for any term not exceeding fourteen days.

83. Every
PART VIII.

Penalty for employing, harboring, and inducing immigrants.

83. Every person, not being entitled to the services of such immigrant under this Act, who shall employ or knowingly harbor any immigrant under indenture, or who shall induce or attempt to induce any such immigrant to leave off work or to quit his plantation against the will of his employer, shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding Ten Pounds, and shall, in the case of employment, in addition to such fine, pay to the employer entitled to the services of such immigrant by way of damages at the rate of Four Shillings for every day such immigrant may have been so employed; and, in case of the person charged being the manager of a plantation, 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 manager.

PART VIII.

THE LABOR LAW.

Work and wages.

84. The employer shall provide every indentured immigrant with sufficient work for a full day's labor on every day on which fieldwork is not rendered impossible by reason of bad weather, Sundays and authorised holidays excepted, and shall pay him wages either by the task or by the day, weekly on the same day in every week.

Assignment of work

85. The employer may require any indentured immigrant to perform, either by way of taskwork or timework, any work for which he is not physically unfit; but all work, whether in the buildings or otherwise, which requires the co-operation of more than two laborers at once in such a fashion that the indolence or negligence of one or more may prevent another from earning the full amount of wages which otherwise he might have earned in a day, shall be paid for by the day, and not by the task.

Statement of wages by employers.

86. The employer shall inform every laborer upon the assignment to him of any task or timework whether he is to be paid wages for it by the task or by the day, and at what rate for the task or day, respectively.

Hours of work.

87. Subject to the provision for leave of absence from the plantation hereinbefore contained, every indentured immigrant shall be present at the work assigned him on each weekday in every week, in the field for seven hours, and in the buildings for ten hours: Provided that no immigrant employed in the field labor who shall have been present at the work assigned him for forty-two hours, and shall have earned Six Shillings wages during the week, shall be again compelled to be again present at work during that week.

Maximum extent of task.

88. No task shall be of greater extent than can be performed by the laborer to whom it is assigned within one working day of seven hours without extraordinary exertion.

89. The
89. The employer shall pay to every indentured immigrant employed in timework day wages at the rate for each day during which such immigrant shall have been present at work for the full time prescribed by this Act of not less than One Shilling for an able-bodied male adult immigrant, and not less than Eightpence for any other immigrant.

90. The rate of wages for any description of taskwork shall not be less than that ordinarily paid for the same description of work to indentured laborers upon neighboring plantations: Provided that the wages agreed upon for a task shall be in no case less than the minimum amount of day wages payable for timework.

91. If the immigrant shall be dissatisfied with the amount of wages tendered for any task or timework assigned him by the employer, he may, after performance of the task or timework in question, proceed in a summary manner before any Justice of the Peace to recover any deficiency by which the wages so tendered shall fall short of a fair remuneration for the work so performed, or may lay an information or make a complaint against such employer for the unlawful withholding of wages duly earned; and any such information or complaint may be turned by the Justice into such proceedings for recovery, if he shall be of opinion, after hearing the case, that there exist grounds for further inquiry before estimating such wages.

92. In any proceedings for the recovery of wages by an indentured immigrant, it shall not be necessary for such immigrant to take out a summons against the employer, or to lay or make any formal information or complaint; but the Justice may, upon receiving from such immigrant any verbal statement of complaint, require of the manager a statement in writing of the work in question performed by such immigrants, and of the wages paid therefor, together with any other material facts or documents; and if the matter at issue shall appear to be such as should be tried upon a complaint for the unlawful withholding of wages, the Justice shall forthwith issue, free of cost, a summons to the employer to appear and answer such complaint, and shall proceed thereupon as if the immigrant had in the first place made such complaint, and shall give notice to the immigrant accordingly; but if the rate of wages be the subject-matter of dispute, the Justice shall forthwith proceed to estimate to the best of his ability what is a fair remuneration for the work in question.

93. In making such estimate, whether for taskwork or daywork, the Justice shall have regard, in the first place, to the rule laid down in the section relating to task wages, and, in the second place, to the rates paid to unindentured immigrants, if any, on neighboring plantations for descriptions of work the most nearly similar to that in question; and it shall be lawful for him to summon witnesses skilled in the valuation of labor, and to allow such witnesses their travelling
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 day laborer, and Eight Shillings a day for any other person, or such further sum as the Immigration Agent-General may sanction; and the Immigration Agent-General shall supply such Justice, at his request, with any information which may assist him in forming a decision, and, if necessary, shall hold an investigation upon the spot of the circumstances material to the question, and report to such Justice the result; and the Justice shall make such order in the premises as to him shall seem just, and shall direct by whom and in what proportions the cost of such proceedings shall be paid, and shall specify in such order the grounds of his decision, and shall forward a copy thereof to the Immigration Agent-General; and every such order shall be enforceable, and every payment directed thereby shall be recoverable, in the same manner as in the case of any order made in the exercise of the ordinary summary jurisdiction; and every such order shall be final and without appeal.

Penalties on employer for illusage.

94. If any employer, manager, or officer of a plantation shall assault, or in any way illuse, any indentured immigrant on such plantation, he shall, on conviction, be liable to a fine not exceeding Ten Pounds, or to imprisonment, with or without hard labor, for a term not exceeding two months, or to both.

Penalties on employer for the withholding of wages.

95. If any employer, manager, or officer of a plantation shall unlawfully withhold any wages earned by an indentured immigrant, he shall, on conviction, pay a fine not exceeding Ten Pounds, and the Justice shall order any such wages to be paid, and shall report every conviction under this or the preceding section, together with such circumstances of aggravation or extenuation as to him shall seem noteworthy, to the Immigration Agent-General.

Stoppage and payment in kind.

96. Except as hereinafter provided, 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 day on which such wages shall be payable, and any payment of wages in kind, shall be taken to be an unlawful withholding of wages; and no manager supplying goods on credit to his indentured immigrant shall be entitled to stop the price thereof out of any wages which may be thereafter earned by such immigrant.

Immigrant dying intestate.

97. In the event of any immigrant dying intestate during his term of service, the employer shall forthwith pay to the Immigration Agent-General the whole of the wages which would have been payable to such immigrant up to the date of his death, as if such wages had accrued from day to day, and the Immigration Agent-General shall pay them to the next of kin of such immigrant then in the colony, and, if there be none such, shall transmit them to the Emigration Agent for payment to the next of kin of such immigrant resident in British India, and, if there be none such, the amount
amount so paid shall be placed to the credit of the Immigration Fund.

98. Every indentured immigrant who shall be unlawfully absent from his plantation without leave, or shall be guilty of wilful indolence during working hours, or shall without lawful excuse refuse to begin or finish any particular work assigned him, shall be guilty of an offence, and shall, on first conviction, pay a fine not exceeding One Pound, or be imprisoned for a term not exceeding fourteen days, and, on a second or subsequent conviction, shall pay a fine not exceeding Two Pound, or be imprisoned for a term not exceeding one month, as the convicting Justice shall direct.

99. Every indentured immigrant who shall without reasonable excuse refuse or neglect to amend any work duly thrown out for an improper performance shall be guilty of an offence, and shall, on a first or any subsequent conviction, be subject to the respective penalties provided for such conviction in the preceding section, and shall further forfeit any such portion of the wages which may be due for such work as the convicting Justice shall think proper; and the manager may suspend the payment of any such wages pending any proceedings which he shall have taken against such immigrant for such refusal or neglect: Provided always that no work shall be taken to have been duly thrown out for improper performance, except by the manager taking down the work on the spot the same day or the next day after such work shall have been done, nor unless such manager shall have informed the immigrant upon the spot that his work is thrown out, or, in case he be absent, so soon after as it is possible, and shall have specified the ground or matter of his objection to the work done, and shall have required him to amend the same.

100. Any indentured immigrant who shall absent himself from his plantation in order, on reasonable grounds, to lay an information or make a complaint against the employer or manager before the Justice, or to make any reasonable complaint of his treatment, and to ask counsel of the Immigration Agent-General, shall be entitled to receive from such Justice or Immigration Agent-General a certificate that such absence was for reasonable cause; and no immigrant possessing such a certificate shall be liable to conviction for absence from such plantation upon the day on which such certificate was granted, or within such time, before and after, as shall be necessary to allow of his free going and returning; nor shall any immigrant be convicted under this Act for wilful indolence or non-performance of work assigned him in respect to any work for which he shall have been at the time physically unfit, or which shall be of such a description or extent, or which shall have been assigned in such a manner or for such a rate of wages, as to contravene any provision of this Act, or which shall have been unduly thrown out, or for which any wages shall have been unlawfully withheld; nor shall any female immi-

PART VIII.

Penalties on immigrants for absence, indolence, or refractoriness in respect of work.

Throwing out work.

Exemptions from penalties for absence and in respect of work.
grant convicted under this Act for absence, wilful indolence, or non-performance of work be sentenced to imprisonment, except in default of payment of a fine, nor to the payment of a fine on first conviction exceeding Ten Shillings.

101. Every manager of a plantation on which immigrants shall be indentured shall keep a register of all cases under this Act in which he is concerned before any Justice of the Peace in the form in the Schedule 17 annexed.

102. Every indentured immigrant who shall be drunk while employed on any work, or shall use to his employer, or to any person by him placed in authority on the plantation, any abusive or threatening language or gesture, or shall, by negligence, carelessness, or other improper conduct, damage, or cause to be damaged, or shall sell any property of his employer, or shall through negligence or carelessness, suffer any such property to be damaged, or shall persuade or attempt to persuade any other indentured immigrant unlawfully to refuse, absent himself from, or desist from work, shall, on first conviction, pay a fine not exceeding Two Pounds, or be imprisoned for a term not exceeding one month, and on a second or subsequent conviction shall pay a fine not exceeding Five Pounds or be imprisoned for a term not exceeding two months, as the convicting Justice shall direct.

103. An indentured immigrant may bind himself by agreement with his employer, made in the presence of two witnesses and terminable on the next weekly payday, to work extra time in the field: Provided that the description or descriptions of work to be assigned him during such extra time be expressly stipulated beforehand.

104. No indentured immigrant shall be compelled 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 estate for any term not longer than one month, or from month to month; and unless he shall give notice of his refusal to serve any longer as a watchman, at least seven days before the expiration of any month's service, he shall be compelled to serve for the next month.

105. Every immigrant under indenture who, after having agreed to serve as a watchman, shall unlawfully neglect his duty as such watchman, or shall unlawfully neglect to serve as a watchman during the period for which he shall have agreed to serve, or for which he shall be bound to serve, shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding Two Pounds, or be imprisoned for any term not exceeding one month.

106. An indentured immigrant may bind himself by agreement with his employer, made in the presence of two witnesses and terminable
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minable on the next weekly payday, to work extra time in the buildings, and the employer may assign him during such extra time any work in the buildings which he is physically competent to perform; but no indentured immigrant shall be compelled under any such agreement to work on any one day for more than six hours of extra time, or to perform work of a different description from any such as he may by his agreement have expressly stipulated for.

107. In the absence of previous agreement to that effect, an indentured immigrant employed in the buildings may be on any day required to work extra time, not exceeding six hours, provided that that intention to require extra time be communicated to him at least one hour before the expiration of the ordinary time, and that, if he then give notice of his refusal to continue longer at work, he shall be entitled to leave work one hour after the expiration of the ordinary time.

108. All extra timework shall be paid for by the hour, at a rate not less than that at which ordinary timework 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 watchman, and to extra timework, whether under agreement or otherwise, as are contained in this part of the Act with reference to ordinary work.

PART IX.

HOSPITALS.

109. On any plantation on which more than five immigrants are employed there shall be a hospital or hospitals certified, or hereafter to be certified, under this Act, and capable of affording accommodation for all immigrants on such plantation at the rate of at least ten beds for not more than fifty immigrants, fifteen beds for from fifty to one hundred immigrants, and five for every hundred immigrants after the first hundred, and affording separate accommodation for male and female immigrants; and 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 favor from one of the medical officers to the department, and no such certificate shall be given without special permission of the Immigration Agent-General.

110. One of the medical officers shall, at 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 Act, and shall direct to be made thereon such changes and alterations as are in his opinion necessary for ensuring the proper construction, ventilation, and drainage of such hospital, and shall certify any building erected in compliance with such directions and with the provisions of this Act, or which shall have been altered
so as to comply with the same, as a certified hospital for the purposes of this Act, and shall state in such certificate the number of patients which such hospital is capable of accommodating; and, 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.

111. Any lessee of a plantation providing a new hospital or additional hospital accommodation, in accordance with the requisition of any medical officer, for immigrants under indenture on such plantation, shall be entitled to receive such compensation thereof from the lessor, on the termination of his lease, as in the case of dispute may be awarded him by two arbitrators to be appointed by himself and the lessor, respectively, or by such umpire as the arbitrators shall appoint.

112. If at any time the accommodation afforded in any such hospital shall fall short of that required by this Act as aforesaid, or such hospital shall appear to any of the medical officers of the department to be for any reason unfit for the purpose of, and improper to be used as, a certified hospital, such medical officer shall make such report to the Immigration Agent-General as shall in his opinion be necessary and proper; and if such medical officer shall report that such hospital ought not to continue any longer to be a certified hospital, it shall be lawful for the Immigration Agent-General, subject to the approval of the Government Resident, to withdraw the certificate of such hospital; and if such employer shall not within twelve months of the withdrawal of such certificate, or within such further period as the Government Resident shall allow, have provided some other building proper to be certified as a hospital under this Act, it shall be lawful for the Immigration Agent-General 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 who is willing to accept their services, and to pay the commutation-money.

113. The Immigration Agent-General shall, with the assistance of any medical officer of the department, from time to time, make such rules and regulations as to him may seem necessary for the proper arrangement and management of certified hospitals, and shall specify therein the furniture, medicines, and appliances, and the quantities of each, which are to be kept supplied in each hospital for the use of the same, and shall, with such assistance, also from time to time, frame and revise the dietary which is to be used in such hospitals; and all such rules and regulations, and every such dietary, shall be subject to the approval of the Governor, and shall when so approved be published in the Government Gazette; and copies of the same, with translations thereof, or of such parts thereof affecting the rights and obligations of immigrants as the Immigration Agent-General shall select, into the several languages of the immigrants.
immigrants residing in the said Territory, shall be transmitted by
the Immigration Agent-General to the manager of each planta-
tion on which there may be a certified hospital, and shall be
at all times kept suspended within each hospital in such place and
manner as to be generally legible.

114. The employer shall at all times keep the hospital properly
furnished with such bedding, utensils, and other furniture, and the
dispensary thereof supplied with such medicines, medical stores, and
surgical appliances, as shall be required by the standing hospital
regulations for the time being, 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 Immigration Agent-General, with the advice of any
of the medical officers, and shall also provide a case-book and a
hospital register, to be kept in the hospital, and shall record in the
case-book any failure of any of the medical officers of the department
to visit the hospital at the times and in the manner directed by this
Act; and such case-book and register shall at all times be open to the
inspection of the Immigration Agent-General and of the medical
officers of the department, and shall be produced in any Court, if the
presiding Judge or Justices shall so require, in all proceedings taken
under this Act by or against any immigrant under indenture.

115. The employer shall employ in the hospital and pay at least
one qualified dispenser or principal sick nurse, and shall also, if, and
whenever, the Immigration Agent-General, with the advice of any
of the medical officers of the department, shall require, employ such
additional nurses as may be necessary for the proper care of the
patients in hospital, and shall, if there be female patients, provide a
female as well as a male sick nurse; and if at any time it shall be
considered by any of the medical officers of the department that
any person employed in the hospital as dispenser or nurse is by
reason of misconduct or incapacity unfit to be so employed, he
shall make entry to that effect in the hospital register, and shall
immediately report such entry to the Immigration Agent-General;
unless the Immigration Agent-General shall refuse his sanction to
the dismissal of such person, the employer shall without delay
remove such person and appoint some other fit person in his place.

116. The dispenser or principal sick nurse shall constantly reside
on the premises of the hospital, and have charge of all furniture,
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 officers of the department, and shall, subject to such
orders, attend the patients, make up and administer the medicines,
and serve out the diets as such medical officers may direct, and
shall report to them any badness in the quality or defect in the
quantity of such furniture, medicine, stores, and appliances, and shall
PART IX.

117. One of the medical officers shall visit each plantation upon which there may be any immigrants under indenture as soon as possible in cases of emergency or if specially summoned by the manager in any such case, and shall at every such visit sign his name with the date of such signature in the case-book; and shall, from time to time, visit the dwellings of the immigrants, and shall order every immigrant under indenture 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 Immigration Agent-General every case of neglect on the part of the manager to send to hospital or to produce before him any indentured immigrant requiring treatment.

118. Such medical officer shall, in the case of every patient brought to him for treatment, or treated by him on the plantation, record in the case-book any disease or injury under which such patient may appear to be suffering, with the remedies prescribed and diet ordered in each case, and 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.

119. One of the medical officers shall see that the hospital, with all bedding, 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; and any badness in the quality or defect in the quantity of such furniture, medicines, stores, and appliances of the hospital, and any other neglect or violation of this part of the Act or of such regulations and dietary on the part of the employer or of any officer or servant of the estate; and any omission or delinquency on the part of the hospital dispenser or principal sick nurse not amounting to ground for his dismissal he shall note in the hospital register, 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.

120. Any
120. Any medical officer may require the manager, by entry in the hospital register, to remove to any hospital in Port Darwin 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 hospital, either upon the requisition of any such medical officer or when sent thither by the Immigration Agent-General or otherwise, shall pay to the hospital authorities the sum of One Shilling for each day that such indentured immigrant shall remain in such hospital, and also, in case such immigrant shall die in such hospital, the expense of the burial of such immigrant: Provided further, that no employer shall be liable to the hospital authorities in respect of any immigrant admitted into a hospital who may have deserted from his plantation, and for whose apprehension he shall have taken out a warrant as hereinbefore provided: Provided further, that if the medical officer in attendance at any of such hospitals shall certify as to any such immigrant patient that he is laboring under incurable insanity, the liability of the employer under this section shall in respect of such immigrant absolutely cease and determine.

121. Every requisition made by any medical officer in the hospital register shall be complied with by the employer, and such medical officer shall report every case of non-compliance or of unnecessary delay in complying with any such requisition to the Immigration Agent-General.

122. If the employer shall represent to the Immigration Agent-General that any requisition so made by any medical officer is unreasonable, or that the course of treatment pursued by such medical officer is in any respects injudicious or extravagant, or that he has any other just cause of complaint against such medical officer in respect of the management of the hospital or treatment of the patients, the Immigration Agent-General shall cause full inquiry to be made into the matter, and may require such medical officer to annul such requisition, or to give such other directions or instructions in the matter to the medical officer as he shall think necessary, and every employer and medical officer shall be bound by such decision of the Immigration Agent-General, subject to the approval of the Government Resident.

123. Every employer who shall in any respect neglect or refuse to comply with the provisions of this Act, or of the rules, regulations, and dietary thereby authorised, in respect of the arrangements and management of any certified hospital, or of the treatment of patients, or with the requisitions made in pursuance thereof in the hospital register by the medical officers, or with the requisitions of the dispenser or principal sick nurse made in carrying out any prescription or diet order which has been entered by any medical officer in the case-book, shall be guilty of an offence, and shall, on conviction at the complaint of the Immigration Agent-General, pay a fine not exceeding Ten Pounds.

124. Every
PART IX.

Penalty on employer in respect to ill-treatment of sick immigrants.

124. Every employer who shall refuse or neglect to send to hospital any immigrant indentured to him requiring medical care or treatment in hospital, or who shall fail, at any visit of any medical officer, to produce before him any such immigrant who may require medical care or treatment, or who shall refuse or fail to provide any such immigrant with the medicines, medical comforts, and diet which may be ordered for him while under treatment by any medical officer, shall be guilty of an offence, and shall, on conviction at the complaint of such immigrant, pay a fine not exceeding Five Pounds.

Penalty on immigrants in respect of hospital.

125. Every indentured immigrant who, after being sent to hospital by the manager, shall be found beyond the limits of such hospital before he shall have been discharged by the medical officer of the department in attendance at such hospital, or who shall refuse or neglect to appear at any time when required before such medical officer, or who shall resist any lawful order for his conveyance to hospital or production before such medical officer, or who shall break any of the hospital rules or regulations authorised by this Act, or who shall behave himself in a disorderly or refractory manner while in hospital, shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding One Pound, or be imprisoned for a term not exceeding fourteen days.

PART X.

DWELLINGS.

126. The employer shall upon the allotment or indenture to him of any immigrant assign to him a suitable dwelling upon the plantation, and shall at all times 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 free from bush and weeds and rubbish of every description.

Assignment and occupation of dwellings.

127. No dwelling which is, in the opinion of any medical officer, 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 any such medical officer, than at the rate of one adult to every fifty feet of superficial space, or of three single men or 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.

Register of dwellings and requisitions of medical officers.

128. 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 habitation, and shall from time to time enter on such register the names of all the indentured immigrants residing in
in each house or apartment, and such register shall be open to the
inspection of the Immigration Agent-General and of any medical
officer; and the medical officer inspecting the same shall mark
therein under his signature such dwelling as he may from time to
time consider to be unfit for habitation, and also such dwellings as
he may have permitted to be occupied in excess of the scale
authorised by this Act, with his reasons for such permission; and
shall also make therein such requisitions as he may deem necessary
for ensuring the sanitary fitness of such dwellings for habitation,
and every such requisition shall be complied with by the employer:
Provided that if the employer shall consider any such requisition
unreasonable, he may make such application and reference as is
provided in the case of requisitions in the hospital register.

129. The Immigration Agent-General shall, with the assistance
of any medical officer, from time to time make such regula-
tions as to him may seem necessary for the proper construction,
arrangement, and drainage of the dwellings of indentured immi-
gants, with the yards and grounds thereof; and all such regulations
shall be subject to the approval of the Governor, and shall, when
so approved, be published in the Government Gazette, and copies
of the same shall be sent to the manager of each plantation on
which there may be any indentured immigrants.

130. Where there is scarcity of fuel or firewood on a plantation,
or where such fuel or firewood is at a greater distance than four
miles from the dwelling of any immigrant, the employer shall be
bound to provide such immigrant with a sufficient quantity of fire-
wood or fuel gratis; and where there shall not exist a supply of
pure running water on any plantation, or within a reasonable dis-
tance, the employer shall be bound to supply such immigrant with
pure rain or well water.

131. Every employer who shall fail to provide any immigrant
indentured to him with a suitable dwelling, or who shall in any
respect neglect or refuse to provide fuel and firewood, or water, or
to comply with the provisions of this Act, or with the regulations
thereby authorised in respect of the repair, occupation, arrangement,
and drainage of such dwellings, or in respect of the register of
dwellings, shall be guilty of an offence, and shall, on conviction at
the complaint of any immigrant thereby aggrieved, or of the Im-
migration Agent-General, pay a fine not exceeding Five Pounds.

132. Every indentured immigrant who shall keep his dwelling in
so filthy or unwholesome a state as to be a nuisance or injurious to
health, or who shall refuse or neglect, within a reasonable time after
being 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 who shall commit
any nuisance upon any dam or common thoroughfare of the plan-
tation
tation, or shall wilfully cause any obstruction to any drain or trench, or shall wilfully foul any fresh water pond or trench of the plantation, shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding One Pound, or be imprisoned for a term not exceeding fourteen days.

133. Every immigrant under indenture who may be sent to any destitute asylum or almhouse by his employer shall be admitted or rejected in the same manner and upon the same authority as any other person; and, in the event of such immigrant being admitted, the employer shall pay to the authorities thereof the sum of Eightpence for each day that such immigrant shall remain in such destitute asylum or almhouse, and also, if such immigrant shall die in the destitute asylum or almhouse, the expense of the burial of such immigrant.

PART XI.

THE RATIONING OF IMMIGRANTS.

134. Every employer to whom immigrants may be allotted shall, for the first six months from and after the first date of delivery to him of the immigrants included in any allotment, provide and distribute daily and every day to every such immigrant an adult such rations of food as are specified in the Schedule to this Act, No. 12, or in such varied or other scheme as shall from time to time be put forth by the Immigration Agent-General with the consent of the Governor; and to every such immigrant being a minor one-half of such rations, and to every such immigrant being an infant one-third of such rations, and may week by week deduct the cost of his rations for the week from any wages earned by such immigrants during the week, in the case of an adult at the rate of Fourpence, and in the case of a minor at the rate of Twopence, for every day’s rations furnished to them respectively; 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.

135. Every manager shall keep a muster-roll of immigrants in the receipt of rations, and such muster-roll shall on some stated day in every month be called over in the presence of any medical officer, when every immigrant whose name is therein inscribed shall be produced by such manager, and his state of health and sanitary condition ascertained by such medical officer.

136. After the expiration of the first six months referred to in section 136, any medical officer shall at every monthly muster strike off from the muster-roll any immigrant arrived during the previous season as to whom it shall be made to appear, by production of the pay-list and otherwise to the satisfaction of such medical officer, that he has every week during the last six weeks earned sufficient
The Northern Territory Indian Immigration Act—1882.

sufficient to pay for the rations supplied to him according to this Act, and all immigrants not struck off the muster-roll shall continue from time to time to receive such daily rations and be subject to such weekly deductions until one year has expired from the date of their allotment, after which date it shall no longer be compulsory on the employer to supply them with rations, or lawful for him to deduct the cost thereof from their wages.

137. Any medical officer may at any one time, on directing any immigrant to be discharged from any hospital as convalescent, require him, by entry in the hospital register, to be placed in the receipt of daily rations, either for a certain period or until further direction; and each immigrant shall be thereupon inscribed on the muster-roll, and shall be in all respects subject to the provisions of this Act in respect of new-comers therein inscribed: Provided that no such convalescent immigrant shall remain inscribed on the muster-roll beyond the space of six months, and that every such immigrant during his remaining on such muster-roll shall be considered other than an able-bodied immigrant.

138. Every immigrant rationed under this Act who shall sell or barter any ration or part of a ration furnished under this Act shall, on conviction, be imprisoned for any term not exceeding fourteen days; and every person who shall take by way of purchase or barter from any immigrant rationed under this Act any such ration or part of a ration, shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding Five Pounds, or be imprisoned, with or without hard labor, for a term not exceeding one month, or pay such fine and be so imprisoned, as the convicting Justices shall direct.

PART XII.

PASSPORTS AND RETURN PASSAGES.

139. Every immigrant who shall have obtained or become entitled to a certificate of exemption from labor, and who may be desirous of quitting the colony, shall apply to the Immigration Agent-General for a passport, and thereupon the Immigration Agent-General shall, within one week from date of any such application, deliver to him free of charge a passport good for one calendar month from the date there- of, and shall register such passport in the register of certificates of exemption from labor; and the certificate of exemption from labor of such immigrant, and his right to receive such certificate, shall be thereupon suspended.

140. Every immigrant who shall attempt to quit the colony without a passport shall be guilty of an offence, and shall, on conviction, pay a fine not exceeding Five Pounds; and every owner, master, or person in charge of a ship who shall receive or harbor on board such ship or elsewhere an immigrant who shall not have obtained
obtained such passport, or whose passport shall have expired, with intent to carry such immigrant out of the colony, shall pay a fine not exceeding Twenty Pounds for every such immigrant so received or harbored; and every such last-mentioned fine may be recovered in a summary way on the information of any officer in the Government service, and the ship shall be liable, on the warrant of a convicting Justice of the Peace, to be seized and sold in execution for the amount thereof and costs.

141. Every immigrant who shall have completed a continuous residence of ten years in the said Territory, and shall during that time have obtained or become entitled to a certificate of exemption from labor, shall be entitled to be provided, at the expense of the said province, with a passage back to the port whence such immigrant sailed from India; and every immigrant so entitled who shall be detained in the colony contrary to his wish, after claiming such back passage, shall be entitled to demand and receive from the Immigration Fund the sum of One Pound for every six months of such detention: Provided that every immigrant who shall at any time quit, or attempt to quit, the colony without a passport shall thereby forfeit all claim to a back passage at the expense of the said province, notwithstanding he may have resided ten years in the said province.

142. Every immigrant entitled to a free passage back to India who shall have wife or child or children under the age of eighteen years in the colony shall be entitled, on claiming such passage, to have a free passage provided for the same in the ship with himself at the expense of the said province: Provided that if any such wife or child be under an indenture upon which any bounty or indenture fee shall have been paid, he shall pay the commutation money to the employer of such wife or child, as the case may be.

143. The Immigration Agent-General may order every immigrant who shall at any time be in his opinion permanently disabled and unfit to perform service under indenture, and who shall produce from any medical officer a certificate to that effect, and a certificate of exemption from labor, if he shall so desire, to be provided, at the expense of the Immigration Fund, with a return passage to the port in India whence he emigrated.

144. Previous to the departure of any ship hired at the expense of the colony having return immigrants on board, the Immigration Agent-General, assisted by one of the medical officers, or, in his absence or inability to act, by the Health Officer of the port, shall inspect the ship and 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 back passage at the expense of the colony, 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
The Northern Territory Indian Immigration Act.—1882.

description of immigrants embarked, together with the state and condition of such immigrants, and that they have all been provided with clothing suitable for the voyage.

PART XIII.

REGISTERS, RETURNS, AND CERTIFICATES.

145. The superintendent, keeper, or other officer in charge of any prison, hospital, or other public institution of the said Territory shall, on or previous to the twenty-first day of January, and the twenty-first day of July in every year, make out and transmit to the Immigration Agent-General a return of all immigrants who may have died while inmates of such public institution or establishment during the six months previous to such months of January and July respectively, and shall transmit therewith any certificate given under this Act which may be found in the possession of any such immigrant.

146. Every manager of a plantation on which any immigrant may be under indenture, or contract of service under indenture, shall keep a register-book or register-books which shall be at all times open to the inspection of the Immigration Agent-General and the medical officers, and shall be produced in Court, if the presiding Judge or Justices shall so require, in all proceedings taken under this Act by or against any immigrant under indenture or contract of service on such plantation, and shall include the following particulars—

(a) The several indenture lists received by the manager on allotment of immigrants, or after his entering into contracts of service with any immigrants, or any copies of such indenture lists which still have been certified by the Immigration Agent-General:

(b) A register of births occurring on such plantation (Schedule No. 13):

(c) A register of deaths occurring on such plantation (Schedule No. 14):

(d) A register of all marriages occurring on such plantation under the provisions of any Act now or hereafter to be in force in respect of marriages, or in respect of the marriages of Indian immigrants (Schedule No. 15):

(e, f, g) The several registers of desertions and absence on leave (Schedule No. 16), of proceeding in respect of labor (Schedule No. 17), and dwellings of indenture immigrants (Schedule No. 18), hereinbefore directed to be kept.

147. Every employer of immigrants shall, on or before the twenty-first day of January and the twenty-first day of July in every year, make out and send to the Immigration Agent-General a return in writing (Schedule No. 19) of the number of each description of immigrants

PART xii.

PART xiii.

Returns from public institutions.

Registers to be kept on plantations.

Half-yearly returns.
PART XIII.

Immigrants in his service on the last day of the preceding month, and the Immigration Agent-General shall make out an abstract of all such returns, and of the returns made by the superintendents of public establishments to be laid before the Governor.

148. Any manager who shall make any false entry in any register or half-yearly return required to be kept or made by him under this Act, or who shall neglect to keep any such register carefully noted up, or to make out and send in any such half-yearly return within the time limited in that behalf, shall be guilty of an offence, and shall, on conviction at the complaint of the Immigration Agent-General, pay a fine not exceeding Five Pounds.

149. Every medical officer shall, within one month after the termination of each quarter, transmit to the Immigration Agent-General a return of all the cases entered in the hospital registers under his care, to be laid with his report thereon before the Governor.

150. Every immigrant whose certificate of exemption from labor shall be lost or destroyed shall be entitled, on proving to the satisfaction of the Immigration Agent-General 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; and every employer shall at any time be entitled to a duplicate of any indentured list of immigrants delivered to him on payment of One Pound, or of Sixpence per immigrant if less than fifty; and every employer and immigrant shall be entitled to receive a certified extract from any register kept by the Immigration Agent-General on payment of One Shilling for every such extract.

151. If any immigrant shall use or attempt to use any certificate of exemption from labor or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall, on conviction, be liable to a fine not exceeding Five Pounds, or to imprisonment, with or without hard labor, for a term not exceeding two months, or to both.

152. Any person who shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any certificate of exemption from labor mentioned in this Act, or any indorsement provided by this Act to be made thereon, with intent to defraud, shall be guilty of a felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

153. Any person who shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any passport or any pass mentioned in this Act, with intent to defraud, shall, on conviction, be liable to be imprisoned for any term not exceeding one year, with or without hard labor.

PART
PART XIV.

PROCEDURE.

154. Every information laid or complaint made under any of the provisions of this Act shall be laid under Ordinance No. 6 of 1850, and there shall be an appeal from any conviction or order, or appeal to make any order to the Local Court of Full Jurisdiction nearest to which the subject-matter of the complaint occurred, which appeal shall be conducted in the manner and subject to the conditions of the said Ordinance: Provided always that any such information or complaint against an indentured immigrant shall be laid or made within one month from date of such offence or cause of complaint, or, in case of desertion, within one week from the date at which the deserter shall be apprehended.

155. Every information which may be laid or complaint which may be made under this Act by an immigrant may be laid or made by the Immigration Agent-General on his behalf.

156. In any proceedings taken by any employer or manager against an immigrant under this Act, it shall not be necessary for the complainant to attend in person unless the complainant be a material witness on the part of such immigrant, in which case the hearing may be postponed in order to his appearance.

157. The defendant in all proceedings under this Act shall be entitled to be sworn and to tender his evidence on oath; and every heathen immigrant shall make such oath or affirmation as he shall declare to be binding on his conscience, and shall be liable in case of falsehood to be convicted and punished as for perjury.

158. In any proceedings taken by or against an employer in which it shall 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.

159. In any proceedings taken by or against an immigrant, any indenture list, certificate of indenture, or certificate of exemption from labor, and any duplicate thereof duly signed by the Immigration Agent-General, and every duly certified extract from any register kept by the Immigration Agent-General, shall be received in evidence of any fact therein recorded without further proof.

160. In any proceedings taken by or against an immigrant, if it shall be necessary to prove any contract of service under this Act before the immigrant who may have entered into such contract shall have been indentured in pursuance thereof, it shall be sufficient, up to the time of the next visit of the Immigration Agent-General.
PART XIV.

Imprisonment with hard labor.

161. Every immigrant under indenture who shall be imprisoned by virtue of any conviction under this Act, shall be imprisoned with hard labor, and every such immigrant imprisoned in any prison for which a scale of taskwork shall have been sanctioned by the Governor, shall fulfil such sentence of imprisonment by the performance in such prison of a number of tasks equal to the number of days for which he shall have been imprisoned, and shall not be discharged till he have performed such task, except by special order of the Governor.

Coroner's inquest on immigrant.

162. Every inquest upon the body of an immigrant known or reputed to be such within the meaning of this Act, and employed on any plantation, shall be held by a Justice of the Peace, without the intervention of a jury, who shall sum up the evidence and make and sign order thereupon; and every such order shall be equivalent in all respects to a verdict signed by a coroner's jury and countersigned by the coroner; and such Justice shall transmit to the Immigration Agent-General a statement of such particulars in respect to the identity of the immigrant and cause of death as he may be able to ascertain on such inquest.

PART XV.

MISCELLANEOUS.

163. The Governor, with the advice of the Executive Council, may, from time to time, make and publish in the Government Gazette such regulations as to him shall seem meet for fully and effectually carrying out and giving force and effect to the various purposes, provisions, powers, and authorities in this Act contained, and may from time to time alter, rescind, vary, and amend the same, or any of them, and make other regulations in lien thereof, for more fully and effectually carrying out and giving force and effect to such purposes, provisions, powers, and authorities. A copy of any such regulation, after its publication in the Government Gazette, shall be sent to the Government of India for information.

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

WM. F. DRUMMOND JERVOIS, Governor.
### The Schedules

**Schedule (No. 1).—Section 48.**

**Form of Livret.**

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**Schedule (No. 2).—Section 26.**

**Register of Applications for Immigrants for the Season 18 to 18.**

|------------------------|----------------------|--------------------|---------------------------|-----------------------|-------------------------|----------------------------------|---------------|
|                        |                      |                    |                           |                       |                         |                                  | As if indenture, fee to be paid in cash; if allotment, to be made at any special time of the year; if application refused, with grounds and date of refusal. |}

**SCHEDULE**
**The Northern Territory Indian Immigration Act.—1882.**

**SCHEDULE (No. 3).—Section 40.**

*General Register of Immigrants Introduced into the Northern Territory (A).*

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</tr>
</tbody>
</table>

(If unfit for service, whether granted a certificate of exemption and return passage.)

**SCHEDULE (No. 4).—Section 71.**

*Register of Minor Immigrants Indentured on Plantation (B).*

<table>
<thead>
<tr>
<th>If not born in (A)</th>
<th>Number</th>
<th>Name</th>
<th>Place</th>
<th>Father's name, and No. in (A.)</th>
<th>Mother's name, and No. in (A.)</th>
<th>Sex.</th>
<th>Age.</th>
<th>Body marks.</th>
<th>Date &amp; indenture terminated.</th>
<th>Remarks and or settlement.</th>
<th>Observations.</th>
<th>Numbers in (c).</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
<td>(Whether indenture terminated, commuted, or cancelled; and if transferred, to whom, &amp;c.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SCHEDULE (No. 5).—Section 63.**

*General Register of Certificates of Exemptions from Labor (C).*

<table>
<thead>
<tr>
<th>No. in (A), or (B) if in (B) undelivered.</th>
<th>Number</th>
<th>Name</th>
<th>Date of allotment.</th>
<th>Date when certificate was issued.</th>
<th>Date when certificate will fall due.</th>
<th>Name of plantation on which last indentured; and if on allotment, or otherwise; or if returning to colony; or if exempted for disability for service.</th>
<th>If any, number of certificate.</th>
<th>If any, date of passport.</th>
<th>Observations.</th>
<th>Date of claim for return passage.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td>(In case the immigrant is likely to shorten his indenture under the livret clause, this date must be estimated).</td>
<td></td>
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</tr>
</tbody>
</table>

SCHEDULE
The Northern Territory Indian Immigration Act.—1882.

SCHEDULE (No. 6).—Section 70.

General Register of Immigrants Indentured under Contract

<table>
<thead>
<tr>
<th>No. in (A) or (B)</th>
<th>Name</th>
<th>Sex</th>
<th>Age</th>
<th>Height</th>
<th>Bodily marks.</th>
<th>Occupation</th>
<th>Nativity place</th>
<th>Date of contract.</th>
<th>Term of contract.</th>
<th>Amount of bounty</th>
<th>Plantation on which indentured, contract of residence, or otherwise</th>
<th>If able-bodied, or otherwise</th>
<th>Observations, if indentured, contract of residence, or otherwise</th>
</tr>
</thead>
</table>

SCHEDULE (No. 7).—Section 40.

This indenture list sheweth, that the [number, race] immigrants, whose names and register numbers are hereunder written, have been duly allotted to [name] to serve as laborers or reside upon plantation [name, district, county] from the dates and upon the terms of indenture, contract of residence, or otherwise herein specified for each of them, and according to the "Northern Territory Indian Immigration Act, 1882" (but subject to such special contract as is hereto appended, in so far as the same is valid under the said Act).

<table>
<thead>
<tr>
<th>Year of introduction.</th>
<th>Name of vessel and immigration.</th>
<th>Number in (A).</th>
<th>Name of immigrant.</th>
<th>Father's name.</th>
<th>Sex</th>
<th>Age</th>
<th>Height</th>
<th>Bodily marks.</th>
<th>Date of allotment.</th>
<th>Whether indentured under contract of residence or unindentured.</th>
<th>Amount of fee payable on indenture.</th>
<th>Numbers in (A), of wife, husband, etc.</th>
<th>Number of plantation:- of which in the main proceedings.</th>
<th>Signature of immigrant.</th>
</tr>
</thead>
</table>

(Signed)  
Immigration Agent-General.

SCHEDULE (No. 8).—Sections 40 and 70.

This is to certify that the [race] immigrant, whose name and register number is hereunder written, has been duly allotted to [name] to serve as an indentured laborer upon plantation [name, district, county], from the date herein specified, and according to the "Northern Territory Indian Immigration Act, 1882" (but subject always to such special contract as is hereto appended), so far as the same is valid under the said Act.

<table>
<thead>
<tr>
<th>Year of introduction.</th>
<th>Name of vessel and immigration.</th>
<th>Number in (A).</th>
<th>Name of Immigrant.</th>
<th>Father's name.</th>
<th>Sex</th>
<th>Age</th>
<th>Height</th>
<th>Bodily marks.</th>
<th>Date of allotment.</th>
<th>Co'ce or trade.</th>
<th>Native place.</th>
<th>Date of allotment.</th>
<th>Signature of employer.</th>
</tr>
</thead>
</table>

(Signed)  
Immigration Agent-General.
The Northern Territory Indian Immigration Act.—1882.

SCHEDULE (No. 9).—Sections 62 and 70.

This is to certify that the immigrant, whose name and register number is hereunder written, from and after this certificate, shall in course of time or otherwise be due exempt from all legal liability to labor under the "Northern Territory Indian Immigration Act, 1882."

<table>
<thead>
<tr>
<th>Number in (A) or (B); if in (B), underlined.</th>
<th>Number in (C).</th>
<th>Name.</th>
<th>Description.</th>
<th>Date of allotment.</th>
<th>Date when certificate was issued</th>
<th>Date when certificate will fall due in course of time.</th>
<th>Whether at present indentured on a plantation [name] or free; whether returning to colony after absence on passport; whether paying for renewed cost; whether exempted for disability.</th>
<th>Indorsement of employer.</th>
</tr>
</thead>
<tbody>
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</table>

(Signed)  
Immigration Agent-General.

SCHEDULE (No. 10).—Sections 66 and 67.

Contract made this day of , 18 ,

I [name], manager of plantation [name and situation], agree to hire [name of immigrant]; and I [name, race], immigrant, agree, in consideration of bounty-money [or as the case may be], to serve [name of employer] as an indentured laborer upon plantation for the term of , from the date hereof, according to the "Northern Territory Indian Immigration Act, 1882."

(Signed)  
Employer.

(Signed)  
Immigrant.

I, , Justice of the Peace for the Province of South Australia, do hereby certify that the above-signed immigrant [name] appeared before me personally this day of , 18 , and produced a certificate of exemption from labor, numbered [number in (C)], indorsed the day of , 18 , by the manager of the plantation therein mentioned; and that the sum of [or as the case may be], and that the above contract was signed by the said [name of immigrant] voluntarily, and with a due understanding of its effect.

(Signed)  
Justice.

SCHEDULE (No. 11).—Section 70

This indenture list showeth that the [number, race] immigrants, whose names are hereunder written, have been duly indentured to [name] to serve as laborers upon plantation [name and situation], for the term of from the date herein specified for each of them, and according to the "Northern Territory Indian Immigration Act, 1882."

<table>
<thead>
<tr>
<th>Number in (A) or (B); if in (B), underlined.</th>
<th>Number in (C).</th>
<th>Name.</th>
<th>Sex.</th>
<th>Age.</th>
<th>Height.</th>
<th>Date of contract.</th>
<th>Amount of bounty paid.</th>
<th>Special terms [if any].</th>
<th>Number in plantation register of indentured laborers and absence.</th>
<th>Number in plantation register of indentured laborers and absence.</th>
<th>Signature of immigrant [if required].</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Visiting plantation  
(Signed)  
Immigration Agent-General or Sub-Agent.

(Signed)  
this day of , 18 .
**SCHEDULE (No. 12).—Section 135.**

*Dietary.*

Maize-meal, flour, or rice .......... 1½ lbs.
Dholl .................................. 40 ozs. (or such equivalent quantity of other vegetable food as the Immigration Agent-General may from time to time allow)

Cocoanut oil or ghee ............... 1 oz.
Masada, or curry stuff ............... ¾ oz.
Sugar .................................. 20 ozs.
Salt .................................... 1 oz.

**SCHEDULE (No. 13).—Section 147 (b).**

*Register of Births.*

<table>
<thead>
<tr>
<th>Name</th>
<th>Sex</th>
<th>Date of birth</th>
<th>Name</th>
<th>Country</th>
<th>Ship in which introduced, and number</th>
<th>Year of arrival</th>
</tr>
</thead>
</table>

**SCHEDULE (No. 14).—Section 147 (c).**

*Register of Deaths.*

<table>
<thead>
<tr>
<th>Name of deceased</th>
<th>Sex</th>
<th>Age at time of death</th>
<th>Country</th>
<th>Ship in which introduced, and number</th>
<th>Year of arrival</th>
<th>Date of death</th>
<th>Cause of death</th>
<th>Remarks</th>
</tr>
</thead>
</table>

*Note.*—1. In reporting the death of any indentured immigrants which did not take place on the plantation, a remark should be duly made showing where such immigrants died.

2. Any certificate of industrial service or temporary or provisional certificate in the possession of any immigrant at the time of death, should be obtained and forwarded with this return.

**SCHEDULE (No. 15).—Section 147 (d).**

*Register of Marriages of Indian Immigrants celebrated in the Northern Territory.*

<table>
<thead>
<tr>
<th>Date</th>
<th>Number</th>
<th>Name</th>
<th>Country</th>
<th>Ship in which introduced, and number</th>
<th>Year of arrival</th>
<th>Place of abode</th>
<th>Place of publication of notice of intended marriage</th>
</tr>
</thead>
</table>

SCHEDULE
The Northern Territory Indian Immigration Act.—1882.

SCHEDULE (No. 161.)—Section 147 (e, f, g).

1.—Register of Desertions.

<table>
<thead>
<tr>
<th>Number</th>
<th>Name of deserter</th>
<th>Sex</th>
<th>Country</th>
<th>Ship in which introduced, and number</th>
<th>Year of arrival</th>
<th>Date when last seen at work on plantation</th>
<th>Where supposed to be</th>
<th>Remarks</th>
</tr>
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</tbody>
</table>

2.—Register of Imprisonments (No. 1611).

<table>
<thead>
<tr>
<th>Number</th>
<th>Name of immigrant imprisoned</th>
<th>Sex</th>
<th>Country</th>
<th>Ship in which introduced, and number</th>
<th>Year of arrival</th>
<th>Date of imprisonment</th>
<th>Term for which imprisoned</th>
<th>Remarks</th>
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</tbody>
</table>

3.—Register of Absence on Leave (No. 16111).

<table>
<thead>
<tr>
<th>No. herein</th>
<th>Name of immigrant</th>
<th>Date of allotment or of re-indenture</th>
<th>Sex</th>
<th>No. in (A)</th>
<th>Name of vessel and place of embarkation</th>
<th>Year of introduction</th>
<th>Remarks</th>
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</table>

Verbally or by a pass. Date of grant of leave. Period of leave. If pass extended.

<table>
<thead>
<tr>
<th>From —</th>
<th>To —</th>
<th>To what date</th>
<th>Cause</th>
<th>Remarks</th>
</tr>
</thead>
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</tbody>
</table>

SCHEDULE (No. 17).—Sections 102 and 147.

Register of Proceedings before Justices.

<table>
<thead>
<tr>
<th>No. herein</th>
<th>Date of complaint</th>
<th>Complainant</th>
<th>Defendant</th>
<th>Immigrant.</th>
<th>Charge</th>
<th>How disposed of</th>
<th>Punishment, if any</th>
<th>Remarks (Date of disposal)</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>
**SCHEDULE (No. 18).—Section 147 (e, f, g).**

*Register of Dwellings of Indentured Immigrants.*

<table>
<thead>
<tr>
<th>Letter of range</th>
<th>No. of apartment in range</th>
<th>Name of immigrant</th>
<th>Sex</th>
<th>No. in (A)</th>
<th>Year of introduction</th>
<th>Name of ship and place of embarkation</th>
<th>Remarks</th>
</tr>
</thead>
</table>

**SCHEDULE (No. 19).—Section 148.**

**Half-Yearly Return**

Of the different descriptions of immigrants under indenture to, or residing on, plantation [name and situation], for the half-year ending the day of , 18.

<table>
<thead>
<tr>
<th>Indians</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total,</td>
<td></td>
</tr>
<tr>
<td>Calcutta.</td>
<td>M.</td>
</tr>
<tr>
<td>Madras.</td>
<td>M.</td>
</tr>
<tr>
<td>Bombay.</td>
<td>M.</td>
</tr>
</tbody>
</table>

(Number of indentured immigrants remaining on the plantation, as shown by last half-yearly return)
(Number of indentured immigrants on the plantation whose terms of service commenced during the half-year)
(Number of indentured immigrants who have been imprisoned during the half-year)
(Number of indentured immigrants who have been returned from imprisonment during the half-year)
(Number of indentured immigrants transferred from the other estates by order of the Government Resident)
(Number of indentured immigrants returned from the hospital, destitute asylum, almshouse, or lunatic asylum, during the half-year)
(Number of indentured immigrants whose terms of service have expired during the half-year, whether subsequently re-indentured or otherwise)
(Number of indentured immigrants who have deserted during the half-year)
(Number of indentured immigrants who have been imprisoned during the half-year)
(Number of indentured immigrants who have received certificates of exemption from labor, or have died during the half-year)
(Number of unindentured immigrants who have died during the half-year)
(Number of unindentured children remaining on the plantation)

Note.—(a) "Casuals" should be included under the heading Calcutta, Madras, &c., as it may be, according to race.
Note.—(b) The number of indentured immigrants only should be included here; but in the *Extracts from the Register of Births and Deaths* all births and deaths should be set forth without exception, whether those of indentured immigrants or those of unindentured immigrants.
Note.—(c) To include indentured immigrants in any of the public establishments and all such immigrants absent by desertion or imprisonment.

*Extract*
### Extract from Register of Births.

<table>
<thead>
<tr>
<th>Name of Infant</th>
<th>Sex</th>
<th>Date of Birth</th>
<th>Description of Father</th>
<th>Description of Mother</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Name</td>
<td>Country</td>
</tr>
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<td></td>
</tr>
</tbody>
</table>

### Extract from Register of Deaths.

<table>
<thead>
<tr>
<th>Name of deceased</th>
<th>Sex</th>
<th>Age at time of death</th>
<th>Country</th>
<th>Ship in which introduced, and name</th>
<th>Year of arrival</th>
<th>Date of death</th>
<th>Cause of death</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

**Note.**—1. In reporting the death of any indentured immigrants, which did not take place on the plantation, a remark should be duly made showing where such immigrant died.

2. Any certificate of industrial service, or temporary or provisional certificate in the possession of any immigrant at the time of death, should be obtained and forwarded with this return.

### Specification of Indentured Immigrants in the Hospital, Destitute Asylum, Almshouse, or Lunatic Asylum, on 18.

<table>
<thead>
<tr>
<th>Name of immigrant</th>
<th>Sex</th>
<th>Country</th>
<th>Ship in which introduced, and number</th>
<th>Year of arrival</th>
<th>Date when sent</th>
<th>Remarks</th>
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</table>

### Specification of Indentured Immigrants absent by desertion on 18.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of deserter</th>
<th>Sex</th>
<th>Country</th>
<th>Ship in which introduced, and number</th>
<th>Year of arrival</th>
<th>Date of desertion</th>
<th>Where supposed to be</th>
<th>Remarks</th>
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</tbody>
</table>
The Northern Territory Indian Immigration Act.—1882.

**Specification of Indentured Immigrants Absent by Imprisonment on**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of immigrant imprisoned</th>
<th>Sex</th>
<th>Country</th>
<th>Ship in which introduced, and number.</th>
<th>Year of arrival</th>
<th>Date of imprisonment</th>
<th>Term for which imprisoned</th>
<th>Remarks</th>
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</tbody>
</table>

I, [name], manager of plantation, do hereby solemnly declare that, to the best of my knowledge and belief, the above return is in all respects true and correct.

Pln. [name] day of [date] 18 [year].

Manager.