REPORT

OF THE

INDIAN IMMIGRANTS COMMISSION,

1885-7.

PIETERMARITZBURG:

PRINTED BY P. DAVIS & SONS, GOVERNMENT CONTRACTORS, LONGMARKET STREET.

1887.
(Signed) HENRY BULWER,
Governor.

COMMISSION.

By His Excellency Sir HENRY ERNEST BULWER, Knight Grand Cross of the Most Distinguished Order of Saint Michael and St. George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

To the Honourable WALTER THOMAS WRAGG, one of the Puisne Judges of the Supreme Court of the Colony of Natal, JAMES RENAUD SANDERS, Esquire, a Justice of the Peace for the Colony, ROBERT LEWIS, Esquire, Brigade-Surgeon Medical Staff, Senior Medical Officer, Natal, and HENRY FRANCIS RICHARDSON, Esquire:

GREETING.

WHEREAS the Legislative Council of this Colony did, by an Address dated the 28th day of July, 1884, request me to appoint a Commission to inquire into and report upon the Indian Immigration Laws and Regulations of the Colony, and on the general condition of the Indian Population of Natal:

And WHEREAS it has appeared to me expedient that a Commission should issue for the purpose before recited, and to make such recommendations for the alteration and amendment of the Laws and Regulations now in force in Natal regarding Indian Immigration as to the Commission may appear desirable, and generally, to make suggestions for the amelioration of the Indian Population of the Colony:

Now know ye that I, relying upon the trust and confidence in your zeal, knowledge, and ability, have authorized and appointed, and do hereby authorize and appoint you, the said WALTER THOMAS WRAGG, JAMES RENAUD SANDERS, ROBERT LEWIS, and HENRY FRANCIS RICHARDSON, to be my Commissioners for inquiring into and reporting upon the matters hereinbefore set forth.

And I do hereby nominate and appoint you, the said WALTER THOMAS WRAGG, to be the Chairman of the said Commission, to have in every case of an equality of votes a second or casting vote in addition to your vote as Chairman.

And for the better effecting and enabling you to carry out the purposes of this my Commission, I do give and grant unto you, or any three or more of you, full power and authority to call before you, or any three or more of you, and examine such persons as you shall judge necessary or in your judgment may be required, and by whom you may be the better informed of the subjects herein submitted for your consideration, and any matter connected therewith; and also to call for, have access to, obtain extracts from, and examine, all such judicial and official books, documents, papers, and records as in your judgment may be required, and as may afford information on the subjects of this enquiry, and to enquire of and concerning the premises by all other lawful ways and means whatsoever.

And I further will and direct, and by these presents ordain, that you, or any three or more of you, do report to me, or to the Governor for the time being, with all convenient speed, under your hands, your opinion upon the several matters and points herein referred to, and submitted to you for consideration.

Given under my hand and the Public Seal of the Colony, at Government House at Pietermaritzburg, this Nineteenth day of January, One Thousand Eight Hundred and Eighty-five.

*By His Excellency's command,*

(Signed) C. B. H. MITCHELL,
Colonial Secretary.
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Native Labour. Report of Select Committee of Legislative Council, with Memorandum by Secretary for Native Affairs, 1872 Z1. 635
REPORT

OF THE

INDIAN IMMIGRANTS COMMISSION,

1885-7.

To His Excellency SIR ARTHUR ELIBANK HAVELOCK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

MAY IT PLEASE YOUR EXCELLENCY:

WE have the honour to present our Report, under the Commission issued to us in 1885 by His Excellency Sir HENRY HENRY BENNET BULWER, G.C.M.G.

CHAPTER I.

OBSTRUCTING THE PROTECTOR—Law No 2 of 1870, Section 34.

1. On July 13th, 1885, the Protector of Immigrants visited the estate, situated at Umzimvo, of Messieurs F. and C. P. Reynolds, managed by the latter gentleman. The Protector, in his official complaint to the Colonial Secretary, says:—"I had the Indians mustered as usual in order that I might enquire as regards their welfare, and to the end that my conversation with them might be perfectly free and that the men might be relieved from any influence the presence of their superiors might have, I desired Mr. Reynolds to withdraw, and to cause his overseers and sirdars to withdraw, from the spot. He, however, declined to do so, or to cause the overseers or sirdars to do so, and the Indians being asked questions in their presence had no complaints to make, nor did they seem inclined to speak freely on even minor matters. I am certainly of opinion that my action is obstructed by the presence of estate officials, and I know how unlikely it is that the men will make complaints in the presence of their masters. I shall be glad if I may be favoured with the opinion of the Hon. Attorney-General as to whether the conduct I have alluded to could be construed as ‘obstruction’ in the sense of Sec. 34, Law 2 of 1870.”

2. This matter has been referred to us. Before such reference we had considered other papers connected with the procedure adopted by the Protector and Deputy Protector when inspecting estates, and we were aware that much irritation existed in
the minds of employers on account of a practice which appeared to them to be unnecessary and derogatory to their position as masters.

3. We had inspected before the Protector's visit now under consideration, the estates, Umsinto No. 1 and 2, of which Messieurs F. and C. P. Reynolds are the proprietors. The former had charge of the machinery and the white labour department; the latter superintended the Indians at work in the cane fields. We inspected the mill, refuse heaps, and Indian huts, walked over a great portion of the two estates, and personally questioned many of the Indian labourers. Three days later, the evidence of each of these gentlemen was taken at the office of the Resident Magistrate of Umsinto. When so giving evidence before us, Mr. Charles Reynolds said:—"I can give an instance where I and all the people in authority under me were ordered to go away while the Protector was talking to the Coolies, without, as he described it (as I think imperiously) any intimidation from anybody in authority: as a result and for some time after, until I could get things right again, everything was wrong, the men defying their sirdars and setting people in authority at defiance, and then I have more men punished by the Magistrate. I have more men punished within a month after one of these obnoxious visits of the Protector than for six months when he has not made a visit of that sort." 

4. We were pleased with the knowledge which Mr. Charles Reynolds evidently possessed concerning the habits of his Indian labourers, and with the sympathy which appeared to guide his arrangements for their comfort and welfare.

His words show that he considered the procedure of the Protector to be very objectionable, and we are not surprised that, at a subsequent visit of the Protector, he declined to obey the order or request that he and all his overseers and sirdars should withdraw from the spot where his Indians were already mustered.

5. We are confident that, in his case, such an order would directly tend to loss of respect and consequent insubordination. We further think that, in his case, such order or request was not necessary, as the Indians had no cause of complaint at our visit, talked freely to us about all their estate arrangements, and were probably in the same satisfactory condition at the date of the Protector's visit.

6. As to the broad question whether it is desirable that the Protector should direct an employer and his sirdars to withdraw from the spot at which the Indians in his service are mustered for the inspection of the Protector, we think that such procedure is highly undesirable.

The knowledge which the members of the Commission possess concerning the customs and habits of Indians in Natal, the long experience which two of the members have had of the Indians in their own country, the careful enquiries made on estates during the visits of the Commissioners, and the Protector's own statistics, abundantly convince us that Indians, when they have solid ground of complaint, will not be restrained from ventilating their grievances by the mere presence of their employer.

In their own country, and in Ceylon possessing an Indian Immigrant population of at least 300,000, Indian labourers on estates not only proceed to Courts of Law, from great distances, with real grievances, but expend infinite care and skill in fabricating complaints which a judicial enquiry demonstrates to be groundless and brought merely to gratify the feeling of revenge. And this is the more remarkable, because in Ceylon there is no Protector to watch over their interests or to visit the numerous estates, there is almost an entire absence of laws passed specially in their interests, no Emigration Act with India is in force, and, as regards criminal law, Indian Immigrants from the continent of India have no greater privileges than those enjoyed by other members of the community, whether Moormen, Kandyans of the hill country, Sinhalese of the low country, Parsees, Jaffna Tamils, or white men.

The Indian has brought to Natal his love of litigation and a portion of his skill in fabricating false cases. The limited area from which he can procure corrupt witnesses hampers him to some extent. The judicial statistics, quoted at page 460 of the Protector's report for 1884, show how Indians can harass their employers by the institution of false or frivolous cases, even after preliminary investigation by the Protector himself. In 1884, the Protector instituted, on behalf of Indians, 43 cases wherein employers, or persons in authority, were charged with assaults on Indians: in 36 cases Resident Magistrates, after investigation, did not convict! He instituted 2 cases of ill treatment, in each of which there was an acquittal! Again, in 1885, the Protector instituted 20 cases wherein employers, or persons in authority, were charged.
with assaults on Indians; in 12 of these cases there were acquittals. There were 2 cases of neglect or refusal to issue proper rations, in each of which there was an acquittal, and 1 case of neglect to provide medical treatment resulting in acquittal. In his Report for that year, 1885, the Protector records, "there have been several cases, however, in which Indians have brought vexatious and false charges against those placed in charge over them, and the Magistrates have in such instances awarded severe punishment to the offenders in this respect—a course of procedure which has had good effect in deterring badly-disposed men from imitating their example." Our minute investigation of the grievances of the Indians at the Central Railway Hospital at Durban revealed the fact that many of the complaints were not only false but actually the outcome of a well-organised conspiracy. So cunningly had this conspiracy been worked out that no person was more astonished and annoyed than the Protector himself, when one of the chief witnesses confessed to us and to Dr. Bonnar, junior, (see David's evidence and his written confession to Dr. Bonnar) that his statements to the Protector were false and had been made at the instigation of persons whom he named.

7. The procedure now adopted at the inspection of estates, and to which employers object, is in strong contrast with that of Major-General Lloyd, who, in his Report for 1875, thus describes the method by which he, as Protector, gained reliable information. He says: "As the majority of the immigrants come from Bengal and Northern India, I was able to dispense entirely with an interpreter, and my visits were made alone, and frequently without any warning of my approach. I had thus the best opportunity of ascertaining the true condition of the people under my charge. In crossing the country, too, from one estate to another, I had frequent conversation with Indians whom I met accidentally; and thus learned from independent sources many circumstances connected with them which I should probably otherwise never have heard of. In such wayside talks, too, the true value of statements made to me by others was often ascertained, by the independent testimony of neighbours, disinterested, and well acquainted with the occurrences and general opinions of the locality."

8. We see what important aid he derived from his ability to communicate without interpretation, not always accurate and above suspicion, with the Indians whom it was his duty to visit.

We record, with pleasure, the fact that, in the course of our protracted enquiries on the numerous estates which we inspected, we did not observe in any instance, save one, the least desire to impede our work, to hide information, or to prevent the fullest questioning of the Indians themselves. When we, without the aid of interpretation, interrogated the men at length, the employers stood by and manifested the greatest readiness to fall in with the procedure adopted by us.

We think that the officer, who discharges the duties of Protector of Immigrants, ought to be able to speak either Tamil, the language of the majority of Immigrants from Southern India, or Hindustani, spoken by most of the men sent from the Calcutta agency.

9. As to the law of the matter under consideration, the Protector does not allege that Mr. Charles Reynolds in any way prevented him from putting questions to the assembled Indians, or that he interfered with any desire of such Indians to make complaints. Mr. Reynolds merely declined to withdraw from the spot or to direct his soldiers to withdraw, and we think that to construe such refusal as an act of obstruction within the meaning of the 34th section of Law No. 2 of 1870, would be to construe that section with the most violent disregard of its plain terms and of the general spirit of the law. The obstruction, of which the material part of that section speaks, is either (a) the obstructing the Protector, or other person duly authorised by the Governor, in entering upon any estate whereon Indian Immigrants are employed, or (b) the wilful performance of any act whereby the Protector, or other person duly authorised by the Governor, may be prevented or obstructed in inspecting the state and condition of such immigrants. We venture to think that the Legislature, in passing this section, did not intend to place in the hands of the Protector a power which could not but annoy employers, would inevitably lower them in the eyes of their servants, and would lead to insubordination and the concocting of many false complaints.

10. We are of opinion (a) that Mr. Charles Reynolds was justified in declining to withdraw, and to direct his soldiers to withdraw, from the spot as which his Indian labourers were assembled before the Protector on July 13th, 1886, (b) that his refusal to withdraw was not an act of obstruction within the meaning of the 34th section of
CHAPTER II.

DAKKHA.—Law No. 2 of 1870, Section 70.

1. Herodotus, writing in the 5th century before our era, speaks (bk. 4, ch. 74) of “Kannabis,” growing in the country of the Scythe, who inhabited the lands which now form the southern portion of Russia in Europe; it was of peculiarly fine quality, flourishing wild (“automata”) as well as under cultivation. This is the same as the Latin cannabis (cf. Sanscrit ḍānakam), the ganja of Bengal, the sanul or sanamu of the Tamils, the san or bana of the Sinhalese, the sangd of the Kaffirs, the hauf of the Germans, and the hemp of the English. It is sometimes named “Indian hemp” (cannabis Indica) or “cannabis sativa,” but, in fact, these are varieties of the hemp plant.

2. In Natal hemp is usually designated by the word “dakha.” Peter Kolbe, who visited the Cape of Good Hope in 1705 and resided there until 1713, found the Hottentots “mighty fond of dachah, a sort of wild hemp.” He says “it often intoxicates them to downright madness,” and he graphically describes the behaviour of the Hottentots when under its influence. Even at that time they often smoked a mixture of dacha and tobacco. He gives a picture of the plant, naming it “cannabis minor, Banga sailed, Banga Indorum, by the Hottentots called dacha.” He thus identifies dacha with the East Indian “bhang,” and it would appear to be probable, if dacha be an original Hottentot word, that hemp and its toxic properties have been known in South Africa from the very earliest times.

3. In Natal hemp is cultivated by Indian Immigrants and by Kaffirs; in many parts of the Colony it grows wild. Some Immigrants smoke it almost in its green state, at the time (May) when it is gathered and when its active principle (cannabin resin) and volatile oil are most powerful and particularly obnoxious to the consumer. Some smoke the dried leaves alone. Other Indians consume a mixture compounded of tobacco, opium, hemp, and brown sugar, and the fumes from this compound are not even passed through water to abate the volatile oils and cannabin resin.

4. Under sect. 70 of Law No. 2 of 1870, the Governor in Council has the power to make rules, inter alia, for “prohibiting the smoking, use, or possession by, and the sale, barter or gift to, any coolies whatsoever, of any portion of the hemp plant (cannabis sativa), and authorizing the destruction thereof, if found in such use or possession, and imposing penalties upon coolies using, cultivating, or possessing such plant for the purpose of smoking the same.” The penalties which the Governor may impose must not exceed £2 for each contravention, and a copy of the rules, thus made, must be laid before the Legislative Council at its next meeting. The word “saiva” indicates the cultivated, as distinguished from the wild, variety of hemp, and there is some confusion between the use of this word in the body of the section and the definition of “wild hemp” noted in the marginal reference.

5. In 1884 the Medical Officer of the Pietermaritzburg Circle reported, to the Protector of Immigrants, the very serious evils resulting from the immoderate smoking of dakha by the Indians of his circle, and the Protector then requested that His Excellency would be pleased to issue a rule prohibiting the use of hemp by Indian Immigrants, and imposing penalties for contravention of the rule. The Executive Council was divided in opinion, and no rule was issued. At the present moment, therefore, the use of hemp by Indian Immigrants is free from legislative restrictions.

6. Although the Governor was not requested to exercise his power until 1884, the immoderate and pernicious use of hemp by Indian Immigrants had been long known. The fact, that in Law, No. 2 of 1870, it was thought advisable to confer upon the Governor in Council the power to prohibit, under penalties, the use of cannabis by Indian Immigrants, indicates that, even at that time when their number did not exceed 5,000, it was known that there was an improper use of that plant by those Immigrants. In his report for 1882 the Protector called attention to the increasing habit of smoking it amongst the Immigrants; he averred that it was the cause of much sickness, suggesting that the plant should be destroyed and its use prohibited.
Employers have been familiar, for many years, with the evils consequent upon its use by their Indian servants: they, the Medical Officers of Circles, and the Protector of Immigrants have seen many Indians with their strength and manhood wrecked by the pernicious drug. The opinions of those medical officers are on record. They are unanimous in thinking that the smoking of hemp is injurious to the constitution of Indians, and the majority testify to the widespread habit of smoking it. To its use they attribute unsteadiness in the performance of work, incapacity for exertion, undermending of nervous power, heart disease, asthma, retention of urine, night blindness and amaurosis, incoherent speech, mental imbecility, hallucinations, suicides, death. Even in the milder cases, an individual under the influence of hemp is listless. His eyes are glassy, suffused, and have a vacant stare; he has no disposition to exert himself; his pulse is soft and weak; he complains of languor and debility. Frequently, men, intoxicated by its fumes, become dangerous and are arrested by the police. Homicides are committed by men rendered furious by its toxic properties. We ourselves, when visiting an estate in the Umzinto circle whereon Indians were employed, came upon an Indian, an absentee from work, sitting outside a hut, with his dakhra rope on the ground by his side. He muttered to himself, then yelled, spoke rapidly and incoherently, lapsed into silence, then yelled again, and it was impossible to make him understand anything. He was, manifestly, in a state of dementia induced by dakhra smoking; he was decidedly dangerous, and the Manager was uncertain how to deal with him; finally, the man was left to do as he pleased, the Indians on the estate being afraid to interfere with him, and the Manager knowing that the law provided no punishment for his misconduct.

7. We are satisfied, from the documentary and oral evidence before us, (a) that the smoking of hemp, whether by itself or in the mixture to which we have referred, is detrimental to the health of Indian Immigrants in this Colony, (b) that the immoderate use of it is highly injurious, (c) that the habit of smoking it in excess is widespread, in the Pietermaritzburg circle one-fifth, probably, of the Indian population smoking it in excess, (d) that such immoderate use leads to crime of the most serious nature, (e) that it renders the Indian Immigrant unfit and unable to perform, with satisfaction to the employer, that work for which he was specially brought to this Colony.

8. It may be found difficult to prevent, in toto, the use of hemp; we are convinced, however, that the knowledge that its use is forbidden by law will check, to a very large extent, the immoderate use of the plant by the Indian Immigrant population of the Colony. We, therefore, recommend that rules be passed by His Excellency the Governor in Council, under Section 70 of Law No. 2 of 1870, to the following effect:—

a. Prohibiting the cultivation, by Indian Immigrants, of any variety of cannabis, the hemp plant.

b. Prohibiting the smoking or the possession, by Indian Immigrants, of any portion of the hemp plant, whether wild or cultivated, save by medical advice, the proof whereof shall be on the smoker or possessor.

c. Prohibiting the sale, to Indian Immigrants, of any portion of the hemp plant, whether wild or cultivated, by any person other than a duly licensed vendor, who shall require, before such sale, the production of a satisfactory certificate.

d. Imposing a stamp duty upon all licenses issued under the rules.

e. Authorizing the destruction of any variety of the hemp plant, cultivated by or found, without authority, in possession of Indian Immigrants, by order of the Resident Magistrate of the district.

f. Imposing penalties, not exceeding two pounds, for any breach of such rules.

9. We understand that in British Guiana a double duty is imposed upon imported cannabis (ganja), that in Trinidad, where cannabis sativa grows readily, its importation and cultivation are prohibited, that in Mauritius its use is prohibited, and that in some parts of India the sale of cannabis is confined to persons holding licenses subject to stamp duty. In Ceylon, so long ago as 1867, a law (No. 19 of 1867) restricted the sale and possession of opium and bhang to licensed persons, under penalties, on a first conviction, of a fine not exceeding £5 and imprisonment, with or without hard labour, for any period not exceeding three months; on every subsequent conviction, the punishment was increased to a fine not exceeding £10 and to imprisonment, with or without hard labour, not exceeding six months. That law authorised the search, without a
warrant, by any police officer or municipal inspector, of suspected shops and other premises, and the local magistrate had power to sell opium and bhang, seized for contraventions of the law, and to pay the proceeds into the Treasury or municipal fund. That law of 1867 was amended in 1878 by a law (No. 4 of 1878) imposing more stringent regulations and increasing the fees payable for licences thereunder: thus, a license to sell opium and bhang by retail was subjected to a fee of Rs200 within the town and graves of Colombo, and to one of Rs100 in any other part of the island. Medical practitioners, chemists, or druggists selling by retail or possessing opium or bhang bond fide for medicinal purposes, the burden of proof thereof being upon the person alleging the same in his defence, were exempted from the provisions of the law, save that no such exempted person could possess more than five pounds of opium at one time without a license.

We quote these colonies, in each of which there is an Indian Immigrant population much larger than that of Natal, lest it be thought that in other colonies it has not been found necessary or desirable to restrict by law the use of such pernicious drugs as opium, bhang, or hemp. As to Natal, tobacco of excellent quality grows freely in the coast and upland districts; Indians themselves cultivate it largely, and we see no just reason why the Indian Immigrant should not be content to consume tobacco, and to forego the use of a plant which is highly injurious to his constitution, and which disables him from fulfilling the contract for which he was brought to this Colony.

10. We have reason to think that much hemp is sold in India by Kafrs and storekeepers; we are aware that, in some parts of the Colony, white traders purchase green hemp leaves from Kafr growers and retail them, in a dried state, to any customer who applies for them. As we are strongly convinced that the smoking of hemp is as harmful to the Kafr as to the Indian, we consider that it is our duty to suggest that chemists, holding special licenses subject to stamp duty, should be the only persons allowed by law to sell any portion of the hemp plant, whether wild or cultivated, to any person whatsoever, whether of white, Kafr, or Indian descent.

CHAPTER III.

INDIAN MARRIAGES AND DIVORCES.—Ordinance No. 17 of 1846. Law No. 12 of 1872, ss. 13, 14, 15, 16, 17, and 18.

1. The Ordinance No. 17 of 1846 which extended to Natal the provisions of the Order of Her Majesty in Council, dated September 7th, 1838, applied to the marriages of persons professing the Christian religion and contained no reference to Indian immigrants. Such immigrants were not introduced into Natal until November, 1860. On December 31st, 1872, their number was 5,393. Before 1872 there were no laws in force in this Colony by which the marriages of Indian immigrants were recognized or regulated. Some immigrants were described as married in the emigration lists which accompanied them; many others, as soon as loomed on, formed connections which they considered to be marriages, but with which no person in authority had power to deal. There was a similar indifference as to the dissolution of such unions. In short, as the parties thereto consented to cohabit, so they, when it pleased them, agreed to cease from such intercourse.

2. As the number of Indian immigrants increased, difficulties arose from these informal unions and became knotty points in Courts of law. Thus, we find that one Protector has recorded that great difficulty had been found to exist, before 1872, in proving in the Courts the validity of Indian marriages.

3. On June 10th, 1872, a Commission, consisting of the learned Attorney-General and Major-General Lloyd, then Protector of Immigrants, was appointed for the purpose of reporting, inter alia, upon the number, condition and employment of Indian immigrants then in Natal.

4. In their report that Commission invited attention to the necessity of legislation with respect to Indian marriages and with respect to the settlement of disputes arising out of the seduction of Indian married women. They suggested—

a. That a careful register of the women should be made, distinguishing married women from concubines: that all marriages so registered should be held to be valid.
b. That the registration of marriages thereafter contracted should be rendered compulsory and necessary to secure their validity.

c. That the seduction of a married woman, or the enticing away of unmarried girls under 14 years of age from the custody of their parents or lawful guardians, should be made a criminal offence.

They thought that the adoption of such system of registration would do much to remove the difficulty of proving the validity of Indian marriages, a difficulty which prevented Magistrates from taking cognizance of such cases and concerning which many, and bitter complaints were made to that Commission.

5. A careful scrutiny of their suggestions leads us to the conclusion that it was the desire of the Commissioners to recognize, as valid and beyond dispute, all those unions between Indian immigrants which might be found to exist at the date of the first registration and which the parties thereto acknowledged as marriages. Thus, a more registration of every married woman would render valid, without question as to caste, religion, race, or antecedent marriage ceremony, the union which she had formed with any male immigrant before the preparation of such first register and which they both recognized as a marriage. As to future marriages, the Commissioners desired that registration should be a necessary and compulsory accessory thereto.

6. The Commissioners' report was submitted in August, 1872; on November 14th Law No. 42 of 1872 was signed by His Excellency, Anthony Musgrave, Lieutenant-Governor.

7. That Law, in Sections 13-18, dealt with the above-mentioned suggestions of the Commissioners.

a. Section 13 required the Protector to prepare and file in his office a register of all Indian Immigrant women then in Natal, entering on such list whether such woman be a married woman, or a single woman, or a woman living in concubinage.

b. Section 14 required every Indian immigrant thereafter married in this Colony, under a penalty of £5, within one month after his marriage, to forward to the Protector a return containing his name, the name of his wife, his abode, and the date of his marriage: certified copies of such registers, and purporting to be signed by the Protector, were to be accepted in all Courts, civil or criminal, within the Colony, as prima facie evidence of the fact of the marriages to which they related.

c. Section 15 gave to the Protector power to decide, in a summary manner or by reference to arbitrators, all civil cases between Indian immigrants, including those for breach of promise of marriage.

d. Section 16 directed the Protector to keep a record of his decisions and of the awards of arbitrators: any decision or award, when recorded, to be final and conclusive between the parties thereto.

e. Section 17 empowered the Protector to make arbitration rules.

f. Section 18 gave power to the Protector to decide all complaints, made by Indian immigrants against each other, for seducing or cohabiting with or committing adultery with the wives of others, and to punish males committing those offences, or abducting unmarried Indian immigrant girls under the age of sixteen years, by fine of £10, by imprisonment not exceeding 30 days, and, at his discretion, by a flogging not exceeding 20 lashes. He was further authorised to commit the guilty wife or the offending girl to prison for any period not exceeding one month.

8. The 13th Section, which provided for the registration of all Indian immigrant women then in Natal, was quite silent as to the effect of such registration with respect to married women. It did not enact that such registration should be, in any way, evidence of the fact of the marriages to which such registration referred, and thus that section appeared delib-rately to reject the suggestion, made by the Commissioners, that marriages so registered should be considered valid. That section was also ambiguous in the distinction which it made between single women and concubines. If concubines were unmarried women, they were single women and should have been classified as such.

9. As to subsequent marriages, the 14th Section did not enact that the registration of the return, which the Indian immigrant was required to forward to the
Protector, should constitute the contract of marriage. That return gave the particulars of a marriage, already contracted, within one month after such marriage, and the registration of that return was only prima facie evidence of the fact of the marriage, to which the return referred. It is clear that this section contemplated a ceremony of marriage, in accordance with the religion or customs of the contracting parties, antecedent to, and wholly outside of, the sending of the return to the Protector. In other words, the registration looked back to some ceremony of marriage of binding effect in the minds of the parties thereto.

10. The 15th Section did not confer upon the Protector any power to dissolve a marriage. It appears to us that this and the following Sections, 16 and 17, gave to that officer a new jurisdiction in civil matters of trivial importance, and, when granting power to hear cases of breach of promise of marriage, it was considered necessary, in this 15th Section, to specify such cases in express words. We are firmly convinced that it was not intended that the Protector should have power to dissolve marriages and that, after the recording of his decision in such cases, such decision should be final and conclusive as in the words of the 16th Section. We think that then, as at the present moment, the only tribunal in Natal by which any marriage could lawfully be dissolved, was the Supreme Court of the Colony. The Commissioners, one of them being then Protector, certainly, did not contemplate such extensive power, in civil cases, being placed in the hands of the Protector; in their report they said, "it was suggested to us that the Coolie Agent (Protector) might be empowered to settle petty disputes, in cases in which both parties are Coolies, by arbitration, the arbitrators being appointed by the parties to the case, and their decision in all cases being held to be final and recorded by the 'Coolie Agent.'" These remarks, clearly, led to the enactment of the 15th, 16th and 17th Sections of this Law of 1872, and it was unfortunate that the adjective, which defines the nature of the disputes in the Commissioners' report, was omitted in the 15th Section of the Law between the words "all" and "civil." Those sections, however, even without the limiting adjective, point to a jurisdiction much more humble than that vested only in the highest judicial tribunal of the Colony.

11. Since 1872 there has been no legislation expressly dealing with the marriages of Indian Immigrants or their descendants, and the above-quoted sections of the law of 1872 now shed upon 30,000 such immigrants that doubtful and glimmering light which fourteen years ago was considered sufficient for 5,393. A Bill, "to make Provision for the Trial of Matrimonial Suits in cases of Indian Immigrants in Natal," was introduced in the Legislative Council in 1883; we understand that it was withdrawn at the second reading.

12. Soon after the law of 1872 became operative the Protector of Immigrants proceeded to carry out its provisions. It is important to bear in mind that he was one of the Commissioners whose report caused the enactment of that law. The manner in which he worked may be gathered from the graphic account which he gave in his report for 1875. He said: "With the view of removing the great difficulty which had been found to exist in proving the validity of Indian marriages in our Courts, the Commissioners of 1872 recommended the formation of a firmly established Register, distinguishing the married woman from others, that all past marriages so registered should be valid, and that thereafter the registration of marriages should be held to be compulsory and necessary to secure their validity. This recommendation was adopted, and led to the passing of sections 13 and 14 of Law 12 of 1872. In accordance with the provisions of that law, registers were opened early in 1873, and with the best effect, as will be hereafter seen. The first step was to have the provisions of the new law, together with a brief explanation of its objects, translated into the current Indian languages (Ndebele, Tamil, Tuluoo). Copies were made and circulated as widely as possible among the Indian communities; one or more copies were sent to each estate, and the contents were read to the assembled gangs by the "sirdar." It was then arranged that the Protector with his clerk would visit certain central places, on days duly named, and employers were requested to permit those who wished to do so, among their Indian workpeople, to attend for the purpose of registration. The eagerness with which they flocked to meet the Protector on the days fixed, gave most satisfactory proof that the proposed measure was acceptable to and approved by the Indian community, and it must be added that the movement was generally encouraged by employers. It had been generally declared, and in each instance it was carefully explained, that none would be registered as "married" without the full and free consent of both man and woman, and that every marriage, when so registered, would thereafter be held valid and indissoluble. The result was, that in the first two months
836 names were registered, and on the 31st December, 1873, the register exhibited the following returns:

| Women registered as married | ... | ... | 1,539 |
| " " " single | ... | ... | 637 |
| " " " living in concubinage | ... | ... | 56 |
| Total | ... | ... | 2,232 |

Those entered as ‘single’ include many aged widows and respectable persons, but the majority are no doubt dissolute and abandoned characters. It is not, of course, supposed that registration has put a stop to adultery among the Indians, but it at least affords the means of establishing the validity of their marriages, and thereby facilitates a prosecution for adultery if committed. The best effect, however, is that it has certainly raised the women as a class; it has given married women a proper status, making them respectable in the eyes of the men, and thereby raising their own self-respect.

From these words of the Protector we see that, in each instance, it was carefully explained that every marriage, so registered, would thereafter be held valid and indissoluble. Within two months 836 names of married women were registered; they were all past marriages, and those women and their husbands were held by the registering Protector that their marriages, thenceforth, were valid and indissoluble.

13. At least 1,700 marriages were registered before Major-General Lloyd ceased to be Protector.

14. With reference to the married women entered as such on the register when first opened in 1873, it is clear that the Protector gave to that registration a meaning and force, consistent indeed with the suggestions of the Commissioners, but entirely beyond the 13th section of the Law.

15. It further appears to us that the Protector attached to the registration of marriages, contracted after the Law became operative in 1873, a force which the words of the 14th section of the Law did not warrant.

16. The number of marriages registered, under the 13th and 14th sections of the Law, from the beginning of 1873 to June 30th, 1886, is 4,971. The number in each year was as follows:

| Year | ... | ... | 943 |
| " | 1874 | ... | ... | 606 |
| " | 1875 | ... | ... | 247 |
| " | 1876 | ... | ... | 110 |
| " | 1877 | ... | ... | 261 |
| " | 1878 | ... | ... | 612 |
| " | 1879 | ... | ... | 149 |
| " | 1880 | ... | ... | 214 |
| " | 1881 | ... | ... | 379 |
| " | 1882 | ... | ... | 363 |
| " | 1883 | ... | ... | 415 |
| " | 1884 | ... | ... | 401 |
| " | 1885 | ... | ... | 158 |
| To June 30th, 1886 | ... | ... | 113 |
| Total | ... | ... | 4,971 |

17. In 27 of those marriages, so registered, the husband had two wives. It appears that, under the Law, the Protector has registered all cases wherein an Indian immigrant has arrived with two wives. The ship’s list and the emigration certificates give the names of the two women as wives of one man, and upon such information those polygamous marriages have been registered by the Protector, from time to time, thus:

<p>| Year | ... | ... | 1 (Hindu) |
| &quot; | 1874 | ... | ... | 1 (Hindu) |
| &quot; | 1875 | ... | ... | 1 (Mohammedan) |
| &quot; | 1876 | ... | ... | 7 (Hindu) |
| &quot; | 1879 | ... | ... | 1 (Hindu) |
| &quot; | 1881 | ... | ... | 4 (Hindu) |</p>
<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1882</td>
<td>3</td>
</tr>
<tr>
<td>1883</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>27</td>
</tr>
</tbody>
</table>

18. On June 30th, 1886, the number of married Indian Immigrant women resident within the Colony was 4,047. Of these, 3,182 are free and 865 indentured. The number of adult single women in the Colony on the same date was 2,556. If to the 4,971 married women, registered in that number of marriages since the beginning of 1873, we add 27 as the number of the second wives in the polygamous marriages, we obtain a total of 4,998 as the number of women whose marriages have been registered. Of these women 8 have been divorced; that number subtracted from 4,998 leaves 4,990, and the difference between the latter number and 4,047, the number of married women in the Colony on June 30, 1886, is 943, which may be taken as the number of women, whose marriages have been registered, who have died or left the Colony in the 13½ years since Law No. 12 of 1872 became operative.

19. We observe that eight marriages have been dissolved, two by the Supreme Court on Circuit, and six by Protectors of Immigrants.

As we have remarked in section 10, the Protector had no authority to dissolve the marriages of Indian immigrants on any ground whatever. The present Protector, while abstaining from granting divorces, desires to possess such jurisdiction: such is our impression from his words on page 3 of his report for 1882, which are, "under the law as it stands at present the Protector has no power to grant divorces. This appears to be a very great hardship. During the past year several applications have been made, but no action could be taken." Major-General Lloyd, whose recommendations led to the enactment of this 15th section, conferring civil powers upon the Protector, most certainly did not consider that he had, under that section, authority to cancel or to dissolve an Indian marriage. In his report for 1875, dated March 2, 1876, in clause 18 he remarked, "I have always held that the Protector has no power to cancel any marriage once registered, or to grant a divorce; but this was not the opinion of the late acting Protector of Immigrants, Mr. H. C. Shepstone, who granted divorces in four or five cases during his incumbency of office. I have, notwithstanding, refused all applications since made. Legislation on the subject will, no doubt, become necessary by-and-by, but I am inclined to think that at present it is not advisable."

It has happened that two Protectors, considering that they had jurisdiction, have dissolved six Indian marriages. Two of those six were dissolved, probably, by the Protector when travelling; there is no record of his name or of the dates of those divorces. The fact of the dissolution of each of the six marriages is recorded in red ink against the entry of such marriage in the register. Two of those divorced persons have contracted a second marriage; one, a man, has since returned to India, and the other, a woman, is still resident in the Colony. Fortunately, there has not been issue in either of those second marriages.

20. Two of the 27 men, whose polygamous marriages have been registered, have died; the remaining 25 are now resident in the Colony, of whom 12 are free and have free wives, and the others are indentured. Three of the 54 wives have died; 51 are now resident in the Colony. Born of these polygamous marriages are 77 children. Some of the men are tenant farmers.

21. Difficulties, arising from the present unsatisfactory state of the Law with respect to Indian marriages, are thus expressed by the Deputy Protector in his report for 1882:—"A frequent cause of trouble to me is the want of a clear statement in the Law of what constitutes a marriage amongst our Indians. There are some of these immigrants who were duly and properly married in India and are registered here as man and wife; and there are others who have come together on board ship who are registered as man and wife on arrival because they are already cohabiting, they express their wish to be permanently united and any friends they may have also agree. If these or any others who have been registered come before me with complaints I regard them as married. But it seems to me that it is the registration, or in other words the civil contract that constitutes the marriage, and that would be a simple rule if the law was made clear. On the other hand I have known cases in which nice points of law have depended on as to whether people were married or not, and the interpreters have told the Magistrates they were when on enquiry I have found they were only living together and there had been neither Christian, Brahminical or
Masulman ceremony, no nuptial feast, and no registration. It is natural that when single men and women are working together they should form attachments, and when I find that to be the case I tell them they should be married, and I urge it more especially if they already have children. Almost without exception they eagerly consent, but say that neither they nor their masters know what is the law. I then tell them that it consists in the registration and that if they like to add any religious ceremony they are at liberty to do so. But Section 14 of Law No. 12 of 1872 seems to contemplate some ceremony, which constitutes marriage, antecedent to registration, but does not say what that ceremony is. I have since changed my custom and I now tell them that the law requires some ceremony of marriage before registration. I could quote two instances of Indians, who had children and afterwards presented themselves at the Durban office for the purpose of legalising their union, denying that they were married because they were told there was a £5 penalty for their omission to register and they consequently went away still unmarried.“

22. In numerous cases there can be no ceremony binding on both parties to the marriage, because they are of different races, religion and castes. High-caste men are married to low-caste women, Mahommadians to Hindus, men from Northern India to Tamil women from the South, and in one case a Mahommadian and a Christian were registered as married. The following figures are interesting:—

<table>
<thead>
<tr>
<th>Marriages between persons of Madras extraction and those of Calcutta</th>
<th>23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marriages between Mahommadians and Hindus</td>
<td>115</td>
</tr>
<tr>
<td>Marriages between Mahommadians and Christias</td>
<td>1</td>
</tr>
<tr>
<td>Marriages between Christian Indians</td>
<td>22</td>
</tr>
<tr>
<td>Marriages between Christians and Hindus</td>
<td>12</td>
</tr>
</tbody>
</table>

It is difficult to ascertain, with accuracy, the number of marriages between persons of high and low castes: we have reason to think that it is very great.

23. As we have said, the registration of Section 14 of Law No. 12 of 1872 is that of a marriage already consummated and such registration is not conclusive proof of such marriage. If, therefore, the parties to the mixed marriages above quoted be called upon to prove the validity of their marriages, they will be utterly unable to do so, such inability arising from the fact that, in accordance with the binding customs of their castes, religions and races, no valid nuptial ceremony could be performed.

24. Our Indian immigrants have been encouraged to register their marriages and have been solemnly informed that such registration rendered their marriages valid. It appears to us that the Natal Government is bound, in good faith, to remove all doubts which now exist and to declare that all the marriages which have been registered under the provisions of the 13th and 14th sections of Law No. 12 of 1872 are valid, and that hereafter in all Courts, civil or criminal, within this Colony, the registration of these past marriages will be received as conclusive evidence of the fact of the marriages to which it relates. Otherwise, grave difficulties will arise with respect to the devolution of property.

25. We are, further, of opinion that the validity of all future marriages should depend entirely upon the registration thereof without regard to any antecedent ceremony, and that the registration should be conclusive evidence of the fact of such marriages.

26. With the view of checking the evils arising from early betrothals, it should be lawful for an Indian male immigrant to marry when he is 16 years of age, and for a female when 13 years of age.

27. We think that the law should settle the grounds upon which marriages may be dissolved, and that the Resident Magistrates should have power to hear and decide such matrimonial suits, from whose orders and judgments an appeal should lie to the Supreme or Circuit Court.

28. It is desirable, we think, that Resident Magistrates be empowered to punish offenders, for adultery, seduction, and abduction, in the manner detailed in subsections u, v, w and z of section 3 of the following recommendations.

29. We recommend:

1. That the Indian Immigration Trust Board do instruct their agents at Calcutta and Madras not to accept any emigrant with more than one wife. Those agents should instruct their recruiters not to collect such emigrants.
2. That the Indian Immigration Trust Board do request the Protector of Emigrants at Calcutta and at Madras to register all married emigrants, specifying in such register the races and religions of such emigrants, and to provide the husband with a certified copy of such register.

3. That the 13th, 14th, 15th, 16th, 17th, and 18th sections of Law No. 12 of 1872 be repealed and that a law be passed which may be cited as "the Indian Immigrant Marriage and Divorce Law," wherein, inter alia, should be the following provisions:

   a. All polygamous marriages which have been registered by the Protector of Immigrants in Natal under the 13th or 14th sections of Law No. 12 of 1872, are hereby declared valid, so far as this Colony is concerned, and such registration shall hereafter be accepted by all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

   b. No polygamous marriage which may hereafter be contracted by Indian immigrants in this Colony shall be considered valid so far as this Colony is concerned, and no polygamous marriage shall be registered by the Protector of Immigrants or by any Resident Magistrate.

   c. All other marriages, which have been registered by the said Protector under the 13th or 14th sections of the said Law, are hereby declared valid, so far as this Colony is concerned, and such registration shall hereafter be accepted by all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

   d. The Protector of Immigrants, upon the arrival of any ship with emigrants from India and before the emigrants disembark, shall demand, from such of them as are described as married in the immigration lists, the certified copies of their marriage registers handed to them by the Protector of Emigrants at Calcutta and at Madras. The Protector of Immigrants shall forthwith register the marriages of the persons to whom such certified copies refer, attaching such copies to such register, and such registration shall be accepted in all Courts, whether civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same relates.

   e. The Protector of Immigrants shall forthwith register the marriages of those Indian immigrants who, being of the age hereinafter specified, may declare to him, before their departure from the depot in Durban, their desire to be married, and such registration shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriages to which the same refers.

   f. All Indian immigrants, except those professing the Christian religion who may desire to marry at any period after their departure from the depot at Durban, shall attend before the Resident Magistrate, having jurisdiction in the district wherein either of the contracting parties resides, or before the Protector of Immigrants, and shall declare their desire to marry. Such declaration shall be made by the contracting parties in presence of two witnesses who shall append their signatures to the declaration in presence of such Resident Magistrate or Protector. Such Magistrate or Protector shall then register the names of the contracting parties, their abodes, their races and religions, in a book kept for such registration and entitled "Indian Immigrants' Marriage Register." Every Resident Magistrate shall forthwith forward to the Protector of Immigrants a certified copy of every marriage so registered by him, and the said Protector shall enter the same in a general register compiled from his own register and from the certified copies forwarded by the said Magistrates. Such registration by a Resident Magistrate or by the Protector shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the fact of the marriage to which the same refers.

   g. No ceremony, religious or otherwise, either before or after the registration under the provisions of the last section, shall be necessary, as far
as this Colony is concerned, for the validity of any marriage so registered.

h. In every marriage between Indian immigrants, being Christians, celebrated by any minister of the Christian religion or by marriage officers competent to solemnize marriages under Ordinance No. 17 of 1846, the said minister or the said marriage officer shall forthwith forward a certified copy of the marriage register required to be kept by the 21st section of Her Majesty's Order in Council of September 7th, 1838, to the Protector of Immigrants, in order that the same may be entered in the general register kept by him: Provided that such minister or marriage officer shall not be relieved hereby from the obligation imposed, by the said section of the said order, with reference to the transmission of the duplicate original register to the Colonial Secretary.

Age of Contracting Parties.

i. In all marriages between Indian immigrants, hereafter contracted within this Colony before Resident Magistrates or the Protector of Immigrants, the male contracting party shall not be under the age of 16 years and the female shall not be under the age of 13 years, and those ages are hereby fixed, for the purposes of this Law, as the period of majority for the male and female respectively.

j. It shall be lawful for ministers of the Christian religion or marriage officers competent to solemnize marriages, between persons professing the Christian religion, under Ordinance No. 17 of 1846 and Her Majesty's Order in Council therewith made applicable to Natal, to solemnize marriages between Indian immigrants or their descendants, being of the Christian religion, if the male contracting party be not under 16 years of age and if the female be not under 18 years of age. The Ordinance No. 17 of 1846 is hereby amended in any of its provisions which are repugnant to, or inconsistent with, this enactment as to the age of Indian immigrants or their descendants, of the Christian religion, who may hereafter desire to marry in accordance with Christian ritual. In all other respects, the provisions of that Ordinance shall apply to the marriages of Indian immigrants or their descendants, being Christians, hereafter solemnized before the said ministers or marriage officers.

Prohibited Degrees of Marriage.

k. Every marriage, hereafter contracted under the provisions of this Law, shall be void if the parties thereto be, by the religion of either, prohibited from intermarrying on the ground of consanguinity or affinity.

Divorces.

l. It shall be competent for either party to any marriage, registered or made valid under the provisions of this Law, except those between persons professing the Christian religion, to sue for a dissolution of marriage on the ground that the other party has been guilty of misconduct, as follows:

1. Adultery, accompanied by wilful desertion for a period of not less than six months.
2. Adultery, accompanied by cruelty.
3. Continuous desertion for a period of one year.

m. It shall be competent for either party to any marriage, solemnized in accordance with Christian ritual, under the provisions of this Law, to sue for dissolution of marriage on those grounds which are, or may be, recognised by the laws of this Colony as grounds upon which divorce a vinculo matrimonii may be granted to suitors of the Christian community of the Colony.

n. All suits for the dissolution of marriages, registered or made valid under the provisions of this Law, inclusive of those marriages between Indians professing the Christian religion, shall be brought in the Court of the Resident Magistrate having jurisdiction in the district.
wherein the parties or either of them reside. The said Magistrates shall have full jurisdiction to hear and decide the same, such trials being held in open Court.

o. It shall be competent for either party to any such suit to appeal to the Supreme or Circuit Court from any order or judgment, interlocutory or final, pronounced by Resident Magistrates therein. Provided that such appeal be instituted within three calendar months from the date of the order or judgment from which the appeal is taken.

p. Every Resident Magistrate shall register in a book, entitled "Register of Indian Immigrant Divorces," every decree of dissolution of marriage pronounced by him under the provisions of this Law, and shall forthwith forward a certified copy thereof to the Protector of Immigrants. Such registration by the said Magistrates shall be accepted in all Courts, civil or criminal, within this Colony, as conclusive evidence of the dissolution of the marriage to which the same refers.

MARriage OF DivORced INDIAN IMMIGRANTS.

q. It shall be lawful for either party to a marriage, dissolved under the provisions of this Law, to marry again as if the prior marriage had been dissolved by death—

1. At the expiration of three months after the date of the decree of dissolution of marriage, and if no appeal has been presented against such decree to the Supreme Court of this Colony.

2. Or sooner, when any such appeal has been dismissed.

nullitY OF mARRIAGE.

r. It shall be lawful for either party to a marriage, hereafter contracted under the provisions of this Law, to institute in the Court of the Resident Magistrate, having jurisdiction in the district within which either party resides, an action for a decree that his or her marriage may be declared null and void, and such Resident Magistrate shall have full power to deal with the same: Provided that, from any order or sentence pronounced in such suit by any Resident Magistrate, an appeal may be presented to the Supreme or Circuit Court by any person aggrieved thereby, within 20 days from such order or sentence.

s. Such decree may be made on any of the following grounds:—

1. That the respondent was impotent at the time of the marriage and at the time of the institution of the suit.

2. That the parties are within those degrees of consanguinity or affinity prohibited by the religion of either of them.

3. That either party was a lunatic or idiot at the time of the marriage.

4. That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

5. That the consent of either party to the marriage was obtained by force or fraud.

t. If any marriage, hereafter contracted under the provisions of this Law, be annulled on the ground that the former husband or wife was living at the time of such marriage, and if it be adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or if a marriage be annulled on the ground of insanity, the Resident Magistrate shall specify in the decree those children who were begotten before the decree, and those children shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.
ADULTERY, SEDUCTION, AND ABDUCTION.

u. Any Indian immigrant who shall commit adultery with the wife of any Indian immigrant, married under the provisions of this Law, or whose marriage has been rendered valid thereby, or who shall cohabit with any unmarried Indian immigrant girl under 13 years of age, or who shall entice or abduct her from the custody of her parents or lawful guardian, shall upon conviction be liable to a fine not exceeding £10, or, in default of immediate payment, to imprisonment at hard labour for any period not exceeding 30 days, or, in the discretion of the convicting Magistrate, to such fine and imprisonment. It shall be competent for any Indian immigrant woman, married under the provisions of this Law or whose marriage has been rendered valid thereby, upon production to a Resident Magistrate of a certificate from the Protector of Immigrants to the effect that in his opinion there are good grounds for such action, to institute proceedings against her own husband for committing any offence specified in this section.

v. All actions, for offences specified in the preceding section, shall be heard and decided in open Court by the Resident Magistrate having jurisdiction in the district wherein the aggrieved husband, wife, parent, or guardian resides, or wherein the offender resides.

w. It shall be lawful for the said Magistrate to order and adjudge a wife so committing adultery or an unmarried girl under 13 years of age, so cohabiting, or eloping without the consent of her parents or lawful guardian, to imprisonment, with or without hard labour, for any period not exceeding 30 days.

x. From all orders and sentences, pronounced by Resident Magistrates in such actions, any person aggrieved thereby may appeal to the Supreme or Circuit Court within 20 days from the date of such order or sentence.

y. Whenever it shall be necessary in any Court, civil or criminal, within this Colony, to prove the registration of any marriage or dissolution thereof under the provisions of this Law, it shall be competent for any person to prove the same by the production of copies of the registers kept by the Protector of Immigrants, Resident Magistrates, ministers of the Christian religion or marriage officers, provided that such copies be certified under the hand of the said persons so keeping such registers or of their successors in office.

z. The words, "Indian Immigrants," shall mean and include all Indians introduced from India to Natal under the provisions of the laws regulating such introduction and those descendants of such Indians who may be resident in Natal. From the operation of this Law are excluded those persons who are usually described in this Colony as "Asiatics," "Arabs," or "Arab traders," being persons who have not been introduced into this Colony under the laws providing for the introduction of emigrants from India to Natal.

CHAPTER IV.

Irregularities in the Department of the Superintendent of Indian and Native Labourers employed on the Natal Government Railways.—Law No. 9 of 1882, ss. 6, 7, 8.

1. John James, an indentured Indian then in the Hospital attached to the barracks at the Central Railway Station at Durban, wrote a letter to the Protector of Immigrants on September 25th, 1885. On the 24th the Protector visited that hospital and recorded the statements of some patients therein; at a second visit, on the 25th, he examined John James, Narayensamy, Marriuppen, Jhore (the spelling adopted in the depositions is here followed), and inspected a book, described as "a
case book" by the Superintendent of the Indian and Native Labour Department. The Protector, thinking that irregularities of a grave nature had been brought to light, submitted the papers to the Government; after further correspondence and explanations from the General Manager of the Railways and the Superintendent of the Indian and Native Labour Department, His Excellency the Administrator of the Government on November 31st, 1885, submitted the whole matter for our consideration. In the following month we made a minute investigation, examining the General Manager, the above-mentioned Superintendent, his chief clerk, Hammond, the Protector of Immigrants, his Interpreter, Dunning, Drs. G. L. Bonnar and Neale, dispenser Rocket, and the Indian Immigrants David, Rengasami, Māriappu, and Nārayanassim. Their statements are recorded in Vol. 3 of our manuscript notes of evidence.

2. We may, for the purposes of our report, classify the alleged irregularities under the following heads:—

a. Improper diet and want of due attention from the doctor in charge of the railway hospital.

b. Railway hospital used as a lock-up.

c. Railway hospital used as a place of detention for—

1. Drunkards, until sober, or for a longer period.

2. Indians punished departmentally for offences such as thefts, assaults, exposing of person, refusal to work, absences without leave.

3. Indians in the course of transfer to other stations.

d. Unlawful exercise of authority by the Superintendent of the Indian and Native Labour Department in bearing, and inflicting punishment in cases of theft, assaults, exposing of person, desertion, such punishment being in the nature of (1) fines, (2) whipping, (3) detention in the railway hospital.

3. a. Improper diet and want of due attention from the doctor in charge of the railway hospital.

We are convinced that the evidence given, on these points, before the Protector on September 24th and 25th by the patients and inmates of the hospital, is unworthy of credit and the result of a conspiracy cunningly elaborated by John James. This man, No. 23,991, is an "educated" Indian indentured to the Natal Government Railways Department, and it is desirable to place on record the history of his indentured life.

On November 28th, 1880, he was placed under Mr. G. Donaldson, then station master at Durban, and worked in the office as native clerk until May, 1884: up to that time his work was good, and his pay had been raised to £4 per month. In May, 1884, he became negligent in the performance of his duties and absconded. He was found, after a fortnight's absence, and, as he pleaded domestic trouble in extenuation of his misconduct, he was sent to the goods shed office as clerk on the reduced pay of £2 per month. He again absconded, was found and brought back; he pleaded ill-health in excuse, and was placed in hospital for some days. On June 25th he was sent to Verulam as an Indian clerk for that station; he was removed thence, at the request of the Traffic Superintendent, and put back in his place in the goods office at Durban. He absconded, for the third time, and was again found; he had, by his conduct, really injured his health, and he was placed in hospital until Dr. Bonnar, the medical officer in charge, certified that he was fit to go out and that manual labour would do him good. Although the Superintendent of the Indian and Native labour department was satisfied that the man was incorrigible and would not take advantage of opportunities of recovering his position, another chance was offered to him, and he was sent to Hilton Road as station porter in December, 1884. His work at that station was of the lightest description, nevertheless on January 5th, 1885, he, for the fourth time, absconded and went to the Diamond Fields, whence he wrote letters to Indians, employed in the railway department, inciting them to abscond. In the beginning of September, 1885, the Superintendent of the Indian and Native labour department was informed that John James was dead, and two telegrams, in support of such information, were shown to that officer; they were from Port Elizabeth, were addressed to an Indian at Pinetown, and announced the death of "John" from consumption on September 1st and
His burial on the following day. Two or three days afterwards information was received by the department that John James was not only alive but actually hiding near Durban! The police were sent on his track, and he surrendered, at the office of the said Superintendent, on the morning of September 21st. On the 22nd he was charged before the Resident Magistrate, under Section 27 of Law No. 2 of 1870, with being absent without a pass. Concerning that prosecution the Superintendent says, unfortunately the Magistrate declined to punish under that section, so that the man returned to this office, having literally his fingers to his nose as he passed the office.

Such is the history of John James up to the moment of his return to the Superintendent's office, after discharge by the Magistrate, on September 22nd. Upon such return, the Superintendent was doubtful as to the course which he ought to adopt; he says, “I did not know where to place him—he had no pots or pans—and as I was anxious to hear what the Protector would say on the case, I gave orders for John James to be put in hospital—he was never locked up, but was simply debarred from leaving the hospital ground.” The Superintendent reported the matter to the Protector on the 23rd, and on the same day John James, being thus in hospital, wrote and despatched three letters, one to the General Manager, another to the Colonial Secretary, and the third to the Protector of Immigrants. The tone and character of the third letter are entirely consistent with the man's history. It runs thus:

Railway Hospital Prison,
23rd September, 1885.

Louis Mason Esq.,
Protector of Indian Immigrants.

Honoured Sir,

Having had sufficient proof, of those who run to you for justice and protection, I, on behalf of myself and other Indians, venture to forward you the following; trusting sincerely you will give it, your close consideration at the first opportunity.

Should Indians' grievances be ever a victim to the schemes of hatred and revenge—it is in the case of certain Indians who are suffering innocently in the “Railway Hospital Cell”—which grievances “will make even angels weep”—

Speaking individually of myself—I thro' hardest work, imposed on me by the Dept, with revenge—was obliged to resort to a place to regain my health—which I have lost thro' the hard work—

Yesterday, the 22nd of instant—I voluntarily came to Mr. Manisty's office—tendered my excuse for my desertion—and expressed my willingness to work double the time, for the days being absent—I, after a careful and painstaking discussion—was locked up in the Police Station—and summarily taken up before the Resident Magistrate—with stories concocted without any foundation—which stories the learned Magistrate soon discovered to be “yarns”—and transferred them to the Magistrate in charge of the “land of tallies and spell”—

We have left our independent shores and come to this dependant shores, with every assurance of being well looked after—But not to be treated with cruelties, that every English soil detest—all the concocted charges, alleged against me, were discharged by the Magistrate—and it apparently astonishes me—why I should be locked up in the Hospital, though I am very willing to work.

The “Railway prison” is such a queer hole,—prisoners get the patients dress, that is, a long shirt covering up the knees—Diet—rice and water without salt—By this you can minutely conclude, that no Government authorised-official will impose such penalties—Unless one who is simply practising such penalties on the ill-fated Indians, to perform himself in his adventures, to gain an additional power—the co-sufferers—express candidly that they prefer to be in the Durban Goal than to be in this “confounded hole,” on rice and water—The fact of this statement, you will learn personally from the so-called prisoners—if your honor, merely for the sake of justice and amendment, will kindly visit the Railway Hospital for a few minutes—enquire the prisoners & patients—I cannot say more than what I have stated, and have only to submit to the old saying—“can be easily imagined than described.” It is on account of this and other similar punishments,—the Indians unavoidably desert themselves—

Independent to addressing our grievances to you—we are also drawing up a memorial, to be sent to Sir C. B. H. Mitchell, Colonial Secretary, relative to the cruelties & the Indians suffer—through revenge of the officials of the Labor Dept—
ere to submitting the memorial to Sir Mitchell—we acquaint you with our proposals—observing that you are the person, to whom such matters should be first referred to.

Treating you will do something early, to amend the irregular way of punishing the innocent—

Begging you will pardon my presumption—

JOHN JAMES.
State prisoner in the Railway Hospital Durban.

In the one day's interval between the despatch of this third letter and the early visit which we anticipated, he carefully instructed the inmates of the hospital how to tell their story to the Protector, and his scheme was helped by the fact that the words spoken by each witness could be plainly heard by the other Indians waiting to be examined. Narayenassami, one of the witnesses, bore the character of malingerer, deserter, drunkard, and thief, and, indeed, on May 5th, 1885, it was in contemplation to return him to India as worthless; Jioore had been twice convicted by the Resident Magistrate at Durban and sentenced to imprisonment; Mairappen, of whom mention will be made hereafter, was a youth of notoriously bad character; David confessed to us that he had stated untruths to the Protector, at the instigation of John James, and he further made a full confession to Dr. G. L. Bonnar, which that gentleman carefully reduced to writing and forwarded to us by the hands of the Protector.

We find—

a. That the complaints as to improper diet and want of due attention from the doctor in charge of the railway hospital have not been substantiated.

b. That such complaints were false and uttered at the instigation of John James.

We, further, record that there is no proof before us that the medical officers, in charge of the railway hospital at Durban, have been, at any time, remiss in the discharge of their duties.

4. b. Railway hospital used as a lock-up. This hospital was inspected by the Commissioners on March 5th, 1885, and our notes, then made, are as follows:—"This building stands on a well-elongated site, considering the flatness of the surrounding country. The accommodation is insufficient and the wards consequently overcrowded with beds which are so placed as to resemble a platform. The building, which was not erected as a hospital, requires much improvement to render it suitable for the accommodation and comfort of sick men. Latrine accommodation is insufficient. There is no lavatory, bath-room, kitchen, or mortuary. There is one urinal pail with charcoal strainer.

"Dispensary.—The supply of medicines is ample, but it was noticed that poisons were kept on the shelves with ordinary medicines, in place of being under lock and key.

"Nursing staff.—There is no trained hospital attendant, and, when further aid is required, ordinary coolies are supplied. There is no room for the attendant, who is consequently often absent. Accommodation is also very much required for the apothecary in subordinate charge, who now is compelled to live in Durban, the result being that no responsible person is present during the night, or on Sunday, or after the usual office hours."

This is a private hospital, to which none but servants of the Railway Department are sent for treatment: it is visited by the Medical Officer in charge of the Durban Indian Circle. It was, originally, a platelayer's house, and was converted into a hospital when it became expedient that the Railway Department should treat its own sick in a building conveniently near to the Indian barracks at the central station at Durban.

At our first visit we noticed a small room and were induced, by its suspicious appearance, to enquire concerning the use to which it was put: the reply was, that drunkards were placed therein.

When investigating the irregularities, now under report, we again inspected this small room on December 11th. We made the following notes: "The small room, reported to have been used as a lock-up at the Railway Indian hospital, Durban, is inspected. The entrance to the room is the second door on the left of the passage from the front entrance of the hospital.
"Its dimensions are 6½ ft. by 6½ ft. by 7 ft. high. There is a ventilator in the roof. There is a window, about 2 ft. square, which is secured by three iron bars, and, on its outside and at the distance of about two feet, there is a screen of corrugated iron carried up to the upper part of the window: this screen prevents, we are informed, articles of food, &c., being handed in to the inmates."

We find, after careful consideration of the evidence, that this small room, although mentioned as "a lock-up," and described in the "case book" of the Superintendent as "the hospital cell," was not, in fact, used as a lock-up by orders of the said Superintendent of the Indian and Native labour department.

If the door of this small room was locked at any time when any person was inside, that was done by subordinates without the authority or knowledge of the said Superintendent.

5. c. Railway hospital used as a place of detention.

(1) We find that the hospital has been used as a place of detention for drunkards, until they became sober and for longer periods.

The General Manager (p. 242, vol. 5 of the manuscript notes of evidence) says, "I believe that the treatment of a drunkard in hospital is a very necessary and humane act; such being the case, I have never given any direct order for sending a man, suffering from the effects of drink or debauchery, to the Indian hospital. I do not think that I have ever sanctioned my subordinates taking a step in the matter, but I believe many have passed through the hospital whose ailments were the direct result of drink. I think that it is absolutely necessary that men, who are suffering from drink and bordering on delirium tremens, should be sent to hospital for their own safety and that of the public, especially considering the very important duties these men have to perform in connection with railway matters. I consider that such men, when in hospital, should be under some observation and restraint."

We have given the views of the General Manager at length, inasmuch as they are entitled to consideration and are evidence of his solicitude for the welfare of the Indians of his department. Nevertheless, we are of opinion that the detention of drunkards at the railway hospital is highly objectionable. The hospital is a very small building, its inconveniences are many, and we are convinced that the uproar and confusion, caused by drunkards on the verge of delirium tremens, must be detrimental to the health of other patients under treatment and in urgent need of rest and comfort.

We recommend that accommodation by provided, by the department, for drunkards requiring medical observation, in a building on the railway premises but at some distance from the railway hospital. If it be difficult to provide such accommodation, such drunkards ought to be removed to the General Hospital at Durban.

(2) We find that the railway hospital has been used as a place of detention for Indians punished departmentally for offences such as thefts, assaults, exposing of person, refusal to work, absences without leave.

As to the legality of such punishment, we speak below: it is sufficient here that we express our strong condemnation of the use to which, as the evidence proves beyond doubt, the railway hospital has been perverted.

It appears to us that the Superintendent had recourse to this pernicious system, because it was thought that detention in hospital justified the stoppage, as for sickness and absence from duty, of certain portions of an offender's pay.

(3) We find that the railway hospital has been used for the accommodation of men in the course of transfer from Durban to other stations, or who, on discharge from gaol, were awaiting removal to other stations.

We are willing to think that such detention in hospital was intended, to some extent, for the comfort of the Indians so detained.

We condemn the practice, because (1) it is repugnant to the welfare of the sick, for whom alone the hospital was intended, and (2) because it is unnecessary.

We think that Indians, whether in the course of transfer to other stations or awaiting removal after discharge from gaol, are well able, even without pots and pans, to obtain food and lodging from some of the hundreds of their fellow-countrymen whose habitations swarm in close proximity to the railway hospital.
6. d. Unlawful exercise of authority by the Superintendent of the Indian and Native labour department in hearing, and inflicting punishment in, cases of theft, assault, exposing of person, desertion, such punishment being in the nature of (1) fines, (2) whipping, (3) detention in the railway hospital.

We understand that the Traffic Superintendent, appointed in 1873, became Superintendent of the Indian and Native labour department in October, 1881, the date of the creation of the latter department. Even as Traffic Superintendent that officer, without any definite instructions from the General Manager, had inaugurated a system of fines for offences summarily determined by him. Upon his appointment as Superintendent of the Indian and labour department in 1881, he received instructions from the General Manager, whereof only one clause referred to complaints amongst the Indian immigrants employed on the railways; he considered that the general effect of that clause was, that all complaints between Indians should be dealt with by him. No regular "record book" was kept until January 4th, 1883, when "the case book," now before us, was commenced: it opens with a case of theft of sugar, in which Skumuk was fined five shillings. The book discloses, in the clearest manner, that the Superintendent has adjudicated upon numerous charges of theft, assault, use of threatening language, exposing of person, obtaining rations under false pretences, desertion, drunkenness, absence without leave, refusal to work, attempt to assault, unlawful possession of firewood. He himself has thus tabulated the cases, with which the deal, in 1883 and 1884:

<table>
<thead>
<tr>
<th>Charges</th>
<th>1883</th>
<th>1884</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence from duty</td>
<td>58</td>
<td>57</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>10</td>
<td>22</td>
</tr>
<tr>
<td>Assault</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td>Neglect of duty</td>
<td>52</td>
<td>53</td>
</tr>
<tr>
<td>Theft</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>54</td>
<td>36</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>192</strong></td>
<td><strong>184</strong></td>
</tr>
</tbody>
</table>

For such offences he has awarded punishment in the shape of (1) fines, (2) whipping, (3) detention in the railway hospital.

The 6th, 7th, and 8th sections of Law No. 9 of 1882 define the powers of the General Manager with reference to Bye-laws and the imposition of penalties for contraventions thereof. For facility of reference, those sections are here given at length:

6th. "The General Manager may from time to time make such Bye-laws as he shall think fit for the purpose of regulating the conduct of the officers and servants employed on the railway. A copy thereof shall be given to every officer and servant affected thereby.

7th. "The General Manager may, by such Bye-laws, impose reasonable penalties upon all persons, being officers or servants employed on the Railway, offending against such Bye-laws, as the General Manager may think fit, not exceeding in any one month seven days' pay of any such officer or servant:

Provided that this section shall not confer any power on the General Manager to impose a fine on any indentured Indian immigrant, otherwise than provided by the special laws of this Colony relating to Indian immigrants. Any officer or servant employed on the Railway who may feel aggrieved by any such penalty as aforesaid, shall have the right to appeal to the Governor in Council, whose decision shall be final.

8th. "The imposition of fines under the 7th section of this Law upon any officer or servant employed on the Railway shall (subject to the appeal heretofore provided for) be wholly within the discretion of the General Manager, and should it appear to the General Manager that the offence or misconduct in respect of which any such fine shall have been incurred would be better dealt with by a prosecution before a Court of Law, it shall be competent for such prosecution to be instituted in lieu of the imposition of any such fine."

Now, it is manifest that it could not be the intention of this Law to confer upon the head of the Railway Department, or upon any of his officers, jurisdiction to try,
in secret chambers, a railway servant for an offence punishable at common law, or under special laws, by the Magistrates of the Colony sitting in open Court. We cannot suppose that by this law the usual safeguards, which surround a person accused of a grave offence, e.g. theft and assault, were swept away, and that any Railway official, sitting in his office to which the public have no right of access, was authorized to deprive an accused, whether Indian or white man, of his liberty and to confine him in a building of which the law knows absolutely nothing. The quoted sections point to Bye-laws framed for the purpose of regulating the conduct of servants employed on the railway, to reasonable penalties, for contraventions thereof, in the nature of fines not exceeding seven days' pay save in the case of indentured Indian immigrants upon whom the General Manager could not impose fines otherwise than as provided by the special laws relating to Indian Immigrants. Surely, it is plain that it was not the intention of the law to empower the General Manager to deal departmentally with any but minor faults intimately connected with the working of the railways, e.g. impertinence to passengers, being late for work, travelling without pass, riding on engine or brake van without permission, smoking while on duty, being unduly in uniform, and entering refreshment rooms without special permission. The judicial investigation of a charge of theft or assault was as far removed from the hands of the General Manager after this law of 1882 as it was before.

(1) As to fines imposed upon indentured Indians there had been correspondence between the General Manager and the Protector of Immigrants so long ago as May, 1883, and the former had instructed, on May 21st, the Superintendent of the Indian and Native Labour Department to abstain from imposing fines on those Indians in excess of those allowed by Law No. 14 of 1875; these are one shilling per day for males if unlawfully absent, and sixpence for females, and a deduction of sixpence for each day of sickness. Since those instructions the Superintendent has imposed, upon indentured Indians, fines in excess of those allowed by the above law of 1875, when such Indians happened to be in receipt of wages higher than the indentured rate, and we should raise no objection thereto if in all instances the maximum amount of fine, i.e., seven days' pay in any one month, fixed by the 7th section of Law No. 9 of 1882, had not been exceeded. Let us see what "the case book" reveals.

1. On September 12th, 1883, Chinapillay, for absence from post without leave, was fined one month's pay.
2. On February 11th, 1885, Vardagloor, charged with creating a disturbance at the Point barracks, was fined one month's pay.
3. On February 17th, 1885, Cuponnen, for desertion, was fined one month's pay.
4. On May 28th, 1885, Nargappan, for neglect of duty, was fined one month's pay.
5. On July 8th, 1885, Balavendra, shunter, for absence, was fined one month's pay.
6. On the same day, Chacunnoo, for drunkenness, was fined one month's pay.
7. On the following day, Jhari, for being absent without leave, was fined one month's pay.
8. On the 20th of the same month, Peerkoo was fined fourteen days' pay.
9. On the same day, Koorut was fined all pay due.
10. On August 18th, 1885, Hundut, for desertion from Karkloof, was ordered to remain in hospital and to forfeit all pay due for that month.

If the offenders in those cases were free Indians, the fine in every case was contrary to, and in defiance of, the limitation contained in the 7th section of Law No. 9 of 1882.

If the offenders in those cases were indentured Indians, the fine in every case was contrary to, and in defiance of, the proviso of the said 7th section and the special law, No. 14 of 1875, to which that proviso refers.

The Superintendent of the Indian and Native labour department admitted, in his evidence before us, that, even after the warning from the General Manager on May 21st, 1883, he fined indentured Indians in excess of the sums allowed by law in cases wherein he gave the Indians the option of trial by the Resident Magistrate or by him, the Superintendent, and the Indians chose trial by him.
It was a grave error of judgment into which the Superintendent fell, to consider that consent, given in such circumstances by an accused, could convert an unlawful assumption of judicial authority into a lawful exercise thereof.

We observe that the 45th section of this Law, No. 9 of 1882, requires that “all fines accruing under this Law, or under any Bye-law made under this Law, shall be paid into the Colonial Treasury, and be dealt with as part of the revenue of the Government.”

We understand that fines, imposed by the Superintendent of the Indian and Native labour department, were deducted on the face of the pay-rolls, the servant fined receiving his pay less the amount so deducted, and the monthly expenditure of the Railway department being lessened by the amount of such deductions. We think that such procedure was not contemplated by the 45th section of the Law, which, in our opinion, looked to a remittance to the Colonial Treasury of all fines duly scheduled as actually levied under this Law.

The Rules and Regulations, dated January, 1879, to be observed by all persons in the service of the Railways, are generally in force under the 6th, 7th, and 8th sections of this Law, No. 9 of 1889; by the 16th section of such Rules and Regulations all fines and deductions for intoxication, disobedience of orders, negligence, idleness, absence from duty without leave, or misconduct of any kind, grave or small, are appropriated to a benevolent fund. This 16th section, as to the appropriation of fines, is in conflict with the 45th section of the Law upon which such Rules and Regulations depend, and is, therefore, worthless. We record, with satisfaction, that no fines levied under that 16th section have been, at any time, appropriated to a benevolent fund.

(2.) Whipping.—The Superintendent of the Indian and Native Labour Department twice whipped, with a sjambok, the indentured Indian, named Māriappan, to whom reference has been previously made. The Superintendent gives the following explanation:—"Māriappan, 32,402, was indentured to the Natal Government Railway in August, 1884, and made over to the Maintenance Department, but shortly afterwards returned to Depôt as useless: since then he has been in the Depôt gang and has been a perpetual source of trouble and almost daily complaints from the Sirdars either for being drunk, or absent for hours at the latrines, or for other petty things. To such an extent had these complaints been made that on one occasion in May, when the boy was again reported for absence, I did give him six cuts with a small sjambok over his posterior, over his clothes—there was no severity exercised more than I would have used to a child of my own. On the morning of the 19th September, on coming to office, I saw this boy, Māriappan, very drunk, and found means were being taken to make him sober by an emetic, which was so far successful that while I was going on with the usual work he slipped away and could not be found: about 12.40 I was proceeding towards the goods shed when I saw a Coolie very nearly run over by an engine. I had him brought to me, found it was this lad, again worse for liquor, took him to my office, found a bottle of rum under one arm and a bottle of beer under the other. I did give the boy half-a-dozen cuts with a riding-whip over his posterior, outside his clothes, but nothing more, there was no violence or undue severity, and though I quite feel I was not justified in inflicting such punishment, it was really richly deserved: orders were then given by me to keep the boy in hospital for the present, but the boy was quite drunk again on the 29th."

It is in evidence that Māriappan, although so young, has already suffered from gonorrhoea and its attendant evils.

We think that the whipping, which Māriappan received on two occasions, was not severe, and that he was a worthless servant who, by his continued misconduct, was again and again provoking those placed in authority over him. Of course, the Superintendent, in so punishing him, committed an act of great indiscretion and in violation of those humane provisions with which the law shields the Indian Immigrant in this Colony. The Superintendent has expressed his deep regret to the General Manager, who had no knowledge of the whippings and in no way sanctioned them; he has expressed his sorrow to the Government, and has assured us that zeal for the successful working of the department, committed to his charge, was the only motive which prompted him to punish Māriappen in the way described.

(3) Detention in the railway hospital.

It is clear that, in the period between January, 1888, and September 25th, 1888, the Superintendent of the Indian and native labour department has constantly sentenced Indians, employed on the railways, to detention in the railway hospital for
terms varying from a few hours to one week. This loss of liberty was accompanied by a compulsory clothing in a hospital dress.

In some instances, as "the case book" shows, the order, specifying the duration of the detention, had additional words, such as "spare diet," "cunjee water," "to have a good application of mustard and sand." We are not satisfied that the orders as to spare diet and cunjee water were at any time carried out: as to the application of mustard and sand, we record, with feelings of relief as from a painful matter, our opinion that the order was not carried into effect.

We understand that the Superintendent, before he came to Natal, had charge of large bodies of Indians employed in a postal establishment in Central India, and that, without special instructions from the Government and without objection by any person in authority, he then exercised large powers of fine and dismissal.

Be that as it may, he has not, in Natal, the slightest shadow of authority for the judicial investigation or punishment of numerous offences with which he has dealt. He has exhibited an astonishing want of knowledge of the laws of Natal and a lamentable disregard of those efforts, which this Government has steadily made, for the protection of immigrants introduced under special arrangements with the Government of India.

7. We feel that it is our duty to record our regret that the Protector of Immigrants visited, on two occasions only, the railway hospital, in the long period of two years and four months between May, 1883, and September 24th, 1885. More frequent and careful inspections would have led, probably, to the early discovery of irregularities, which appear to have grown formidable and to have assumed the nature of a regular system by reason of the almost entire absence of scrutiny and control by the Protector and his officers.

CHAPTER V.

The Equee Fa Estate.

1. In March, 1884, the Medical Officer of the Unzinto circle forwarded to the Indian Immigration Trust Board his report for the year 1889.

Therein were the words, "many evils exist on the Equee Fa Estate which are prejudicial to the health of the Indians, but which I have failed to get altered." He specified two of the evils thus:

a. "The sanitary condition of the estate is bad, due to the refuge of the mill being run into a large open reservoir which, when acted upon by the sun, ferment and gives forth noxious gases injurious to human health."

b. "The water supply, to part of the estate at least, seems bad. There are between twenty and thirty Indians suffering with "Bilharzia Hematoobia," which I believe is due to bad drinking water."

2. In May, 1884, the manager of this estate complained that the medical officer had refused to visit certain sick Indians on the estate or to wait until they were produced for his inspection.

3. The Protector investigated these counter charges.

4. Subsequently, Drs, Bonnar and Greene were deputed by His Excellency to visit the estate and to report upon its sanitary condition.

5. Their report, dated December 3rd, 1884, condemned, in the strongest terms, the condition of the estate at the moment of their visit.

They roughly tested six specimens of potable water, obtained from wells, a spring, and from the stream flowing through the estate: their report was adverse to every sample save that from the spring.

6. The Protector, under instructions, by letter of January 19th, 1885, requested the proprietor of the estate to adopt remedial measures which he had formulated from the report of the doctors.
7. The proprietor, on February 20th, formally declined to adopt these measures.

8. It was, therefore, in the mind of His Excellency the Governor to forbid any further allotment of Indian Immigrants to this estate. As, however, the Legislative Council had refused to pass any bill for the prevention of the pollution of streams, no order was issued, and all the papers were submitted for our consideration.

9. We visited the estate and inspected the mill, distillery, the estate hospital, the vacuum-pan reservoir, the stream which receives the overflow from that reservoir, the wells, the spring below the hill, the huts, and the "dunder reservoir," otherwise called "the manure heap."

We traced the stream, for more than a mile, to the spot at which it flows into the Equeesa river near Mr. Hawksworth's mill.

We obtained from the wells, the spring, the stream, and the vacuum-pan reservoir, seven bottles of water, drawn by our Secretary in the presence, and with the assistance, of the Manager: one bottle was filled from the Equeesa river on Mr. Hawksworth's estate.

10. These eight bottles, duly sealed and labelled, were handed to the Colonial Secretary at Maritzburg, with a request from our Chairman that four bottles, containing water from three wells and from the spring, should be submitted to careful analysis with a view to test the purity of the water for drinking purposes: at the same time, request was made that the four bottles, which contained water drawn from the vacuum-pan reservoir, from the streams on the Equeesa estate, and from the Equeesa river on Mr. Hawksworth's estate, should be subjected to microscopical examination in order to detect therein the presence of the ova of the "Billharzia Hoematobia."

11. We questioned the proprietor of the estate, the Manager, the Medical Officer of the Umnzinto circle, the Resident Magistrate (Capt. Lucas) at Umnzinto, Mr. W. Hawksworth of the Equeesa Central Estate, and the Indian Immigrants, Moosai, Somar, Moonasam, Rogeboasing, Juggermunder, Singan, Dalich, Ranikistan, Ramiah, and Ramkishun.

Their evidence is recorded in vol. 2 of our manuscript notes.

12. Short notes and observations, made by us before examining witnesses, are as follows:

"There is a large dam into which ten or twelve thousand gallons of vacuum-pan water are daily discharged, and on its bank human excrement is noticed: the water is offensive in smell, semi-stagnant, and covered with a yellow scum. The water from this vacuum-pan, after a circuitous course of more than one mile, enters the Equeesa river near Mr. Hawksworth's mill, its flow being much impeded by reeds and vegetation. Near this dam is a well, partly overgrown and filled with decomposed vegetable matter. The stream, from which some of the drinking water is obtained, is overgrown with rank vegetation and its banks are fouled by human excreta, especially so in the canes near the spot where the stream crosses the road about 20 yards above the coolie huts. There are three wells in use, the water from which the coolies say is very good, especially the one near the banks of the stream, below the coolie huts, on the road leading to Mr. Hawksworth's; these wells are unprotected by parapets and are, therefore, likely to receive surface impurities after rain. Another supply is from a spring by the side of the main road: this water is carried, under the road, into a tub, and is said to be the best on the estate: the Medical Officer recommends it for general use in preference to all others, but it is doubtful whether this supply would be sufficient. An old clay pit between the coolie huts is filled with stagnant, slimy water.

There is much rubbish about the coolie huts together with human excrement, which must, after heavy rain, be washed down and so contaminate the water in the stream and wells. On the road, leading from this estate to Mr. Hawksworth's, very considerable defilement, from the coolies eating themselves, is noticed.

There is a manure heap, upon which the residue of skimnings after pressing, ashes and other refuse are thrown; on the lower side of it there are two large catch-water drains to catch any oozing, which is re-transferred to the manure heap.

The distillery is not in use, therefore there is no dunder: the treacle is sold or stored in tanks.

The estate hospital is used for slight cases, and is in a satisfactory condition, but
the poisons should be under lock and key, and not placed on a shelf with ordinary medicines."

13. This and the next section briefly refer to the condition of the dunder pit and the quality of the drinking water before the date of our visit.

The Manager, in his letter of April, 1884, admitted that at least 6,000 loads of manure, consisting of dunder, sediment from the clarifiers, skimmings from the battery, and washings of the mill floor, were then in the pit situated near the main road and just above the stream, which we may describe as the little Equeequa stream. At that time the distillery was in full work, and about 3 hogheads of rum were made per day; the daily discharge of dunder was 3,000 or 4,000 gallons. That amount of liquid was more than could be absorbed by the quantity of dry matter available for the purpose. The result was that, as the manager himself now admits, the remarks of the Medical Officer, as to the unsatisfactory state of the "dunder reservoir," were, to some extent, justified.

There is not, however, reliable evidence before us that the mortality on the estate was increased by reason of the large accumulation of manure in that pit.

14. The report of Drs. Bonnar and Greene supported the Medical Officer’s allegation that the water supplied, to a portion of the estate, was impure.

There is no reliable evidence before us that the Equeequa Indians, afflicted with "bilharzia hematobia," contracted the disease, as the Medical Officer then contended, from impure drinking water.

15. At the date of our visit the total Indian population of the estate was 450.

16. There was abundant proof before us that the lines of huts were fouled by human ordure and refuse, and that the Indians resorted to the banks of streams for calls of nature.

It is right that we should record that such defilement was not greater than that observed by us on nearly every estate which we have visited.

17. The manure heap had been cleared a very short time before our visit: the Manager informed us that he had thence removed, for application to the cane fields, 5,000 loads of manure.

18. The rum distillery was closed 18 months before our visit; we are informed that it is improbable that it will be re-opened. The treacle, formerly converted into rum, is now stored in tanks under ground, inside the mill, for sale; if unsold, it is converted into manure by being mixed with ashes on the manure heap.

The skimmings of the battery and the sediment of the clarifiers are now filtered, and the residue is placed on the manure heap: this residue is in the form of thick, hard paste, without smell, and is carried to the heap in the bags wherein it has been filtered. We saw such residue and had no objection to make to the system.

Mr. Hawksworth of the neighbouring estate estimated the value of treacle, as a manure, at one shilling per gallon; if sold as treacle, it realizes only one penny per gallon.

19. We considered that the wells were badly situated; they are liable to pollution from the surface washings of human ordure and refuse which we saw in their immediate vicinity, and to percolation from the neighbouring subsoil of organic matter soaked therein.

20. We observed that the spring, to which reference has been so frequently made, was at the foot of a hill with sloping sides covered with sugar cane highly manured; we, therefore, had reason to think that a careful analysis would detect impurities in water obtained from that spring.

21. On the banks of the streams, flowing through the estate, was much defilement arising from the objectionable habits of the Indians: they bathe and wash in those streams.

The water of the stream, for some distance below the point at which the overflow water from the vacuum-pump reservoir enters, was unfit for drinking purposes; one mile lower down there was an improvement in the quality of the water, filtered in its circuitous course through reeds, rushes and grass.
22. Upon the four samples of potable water, forwarded by the Colonial Secretary for analysis, Mr. Nelson has thus reported:—

No. 1 Sample, sealed with red wax and labelled "from lowest well on Equita Estate, Mr. Turton's."
Water—clear; slight clayey sediment; no odour or colour.
Result. Water of very indifferent quality. The water passing into this well is derived from highly polluted sources, but much of the animal and sewage matter, which contaminates it, has been oxidised and destroyed before reaching the well. In consequence, though not now positively dangerous, it might become so at any moment.

No. 2 Sample, sealed with red wax and labelled "lower well above main road, Equita Estate, Mr. Turton's."
Water—clear; slight clayey sediment; no odour or colour.
Result. Water highly impure, containing much organic matter of animal origin and exposed to direct sewage contamination. Quite unsafe for use.

No. 3 Sample, labelled "Equita Estate, Mr. Turton's: water from spring running into tub."
Water—clear; slight sediment, partly clayey, partly loamy; no odour or colour.
Result. Water of very indifferent quality, derived from sources exposed to direct animal and sewage contamination, which is only in part destroyed by oxidation before reaching the spot where the sample was collected. Decidedly a dangerous water for use for drinking purposes.

No. 4 Sample, sealed with red wax and labelled "upper well above main road, Equita Estate, Mr. Turton's."
Water—clear; slight sediment; strong odour of hydrogen sulphide and decayed organic matter.
Result—Absolutely foul and bad. Unfit for any purpose.

23. Dr. James Allen has reported that, after microscopical examination of the water contained in the four bottles forwarded to him, at our request, by the Colonial Secretary, he has not found ova of the "Bilharzia Haematobia."

24. Briefly, then, we find:—

a. That the complaints made by the Medical Officer of the Umzinto circle were, to some extent, well-founded.

b. That the personal animus, existing between that officer and the Manager, destroyed that co-operation which was necessary for the proper and efficient discharge of their respective duties.

c. That this animosity prevented the adoption of remedial measures before the defects had assumed such magnitude.

d. That proof is wanting that the Equeeta Indians, afflicted with the parasite "bilharzia haematobia," received the ova from the water which they drank.
It is more probable, as the Medical Officer now admits, that the habitat of this parasite is in the streams wherein the Indians bathe and that the ova obtain access to human bodies when immersed in the water of such streams.

e. That the wells do not, at present, furnish good drinking water; they are objectionable (1) from their position, (2) from the absence of parapet wells, (3) from insufficient depth.

f. That the water of the streams is polluted and is dangerous for drinking purposes.

g. That the water obtainable from the spring near the tub is unsafe for drinking purposes.

h. That the vicinity of the huts was defiled with ordure and refuse.

i. That the manure pit is too near the stream: any large accumulation of
manure therein would probably, in the rainy seasons, be a source of pollution to that stream.

25. We recommend —

a. That every well be deepened, be provided with a parapet wall, and have its immediate neighbourhood thoroughly cleansed from all matter likely to contaminate the water therein.

b. That the Indians be encouraged to adopt the plan already suggested to them by the Manager and to cover their deposits with earth.

c. That, in the neighbourhood of the mill, latrines be erected and that the Indians be encouraged to resort thereto. Men of the lowest caste should be induced to undertake the task of sweeping and cleansing these latrines.

d. That the Manager should endeavour, by all reasonable means, to prevent the pollution of the streams running through the estate.

e. That the Manager should discourage bathing in those streams and the use of water, for bathing purposes, obtained from the vacuum-pan reservoir.

26. We have observed on other estates pollution and defilement equal in extent to that which we found on the Equelfa Estate.

We further think that a careful analysis of water, used for drinking purposes, on many estates would probably be as unfavourable as that made by Mr. Neilson of the potable water of this estate.

27. The Manager has been engaged, for 25 years, in the superintendence of sugar estates. We saw enough to satisfy us that he had the kindest intentions towards the Indians on the estate, and it was manifest to us that he would willingly consent to adopt any measures which might reasonably be expected to work to the advantage of the Immigrants committed to his charge.

28. We, therefore, conclude our report on this estate with the expression of our opinion that Indian Immigrants may now be allotted thereon without fear that their comfort will be neglected or that their health will suffer from the absence of due precautions.

CHAPTER VI.

Case of Mr. W. T. Woods, of Stockton, near Estcourt.

1. In October, 1884, Mr. W. T. Woods, having a small number of indentured Indians then in his service, applied for a further allotment of 10 Calcutta men: on January 8th, 1885, he was informed, under instructions from His Excellency the Governor, Sir Henry Bulwer, that no more Indians would be assigned or indentured to him. Mr. Woods, and his agent, Mr. J. P. Symons, endeavoured to remove this prohibition, which, of course, amounted to a severe condemnation of the manner in which Mr. Woods had behaved towards Indians previously allotted to him.

The prohibition is still un rescinded, and the papers connected therewith have been submitted for our consideration.

2. We have examined Mr. W. T. Woods, Dr. Brewitt, Mr. Paterson, the Resident Magistrate of Weenen County, and the Indian Immigrants, Mahdeo, Vrongawaloo, and Mahdeo.

3. His Excellency, when making the order of prohibition, was entirely guided by the reports of the Deputy Protector and Protector of Immigrants: those reports are before us.

4. Those officers were of opinion that Mr. W. T. Woods was not a fit and proper person to employ indentured Indians.

5. It is in evidence that the manner of Mr. Woods is hasty: to newly-assigned Indians it may have presented the appearance of intimidation.

6. We consider that the first report of the Deputy Protector, dated February, 1883, contains evidence that it was penned with some feeling of personal hostility.
towards Mr. Woods. This opinion is confirmed by the account given by the latter as to the details of the Deputy Protector's first visit to Stockton.

7. We think that undue importance has been attached, by the Deputy Protector and Protector, to the complaints made by the Indians first assigned to Mr. Woods: they were an exceptionally worthless allotment. Mr. Woods describes them thus: "they were all from Calcutta, four men and two women: two of the men were imbeciles, one had his tongue hanging out and his eyeballs revolving like a madman, another was subject to fits and should have been in the asylum, and the other two men confessed to me that they had committed manslaughter in India and were just out of prison, a portion of the sentence of one having been remitted on condition that he emigrated—Kallu was his name. Maddu was the name of the other man. The women were perfectly useless; one, Mattisarah, had to be carried from the railway station at Maritzburg to the Town Hill as she could not walk—she was of a weak mind and used to obey calls of nature involuntarily—she is dead. The other woman, Dergia, after accusing all the white men about the place of raping her, and laying complaints with the Magistrate on charges of rape, which were dismissed, deserted; but not before all the white men, employed by me, left my employ by reason of these accusations."

In the years 1882, 1883, and 1884, the Protector instituted 3 cases against Mr. Woods, two for assaults upon indentured Indians and one for refusal to pay wages to an indentured Indian; these complaints were dismissed.

In the same period two cases were instituted by free Indians against Mr. Woods for wages alleged to be due to them; in each case judgment was in favour of Mr. Woods.

The Resident Magistrate, who decided these cases, has described them as frivolous and grossly exaggerated.

9. It is an important fact, to which the Attorney-General in his report called attention, which has not received sufficient consideration hitherto, that Indians, at the expiration of their five years' indentured life with Mr. Woods, have voluntarily remained for further service under him. Two Indians who have so remained, one for 6 years and 3 months and the other for 7 years, were examined by us; they spoke in high commendation of their employer. An indentured Indian, four years in service, also testified that Mr. Woods was a good and kind master, paying wages and issuing rations regularly.

10. The Resident Magistrate of Weenen County, who knows how Mr. Woods behaves towards his servants, and who judicially investigated the cases instituted against Mr. Woods, is of opinion that he is quite fit to be entrusted with the care of Indians.

11. We are satisfied that Mr. Woods was not in the habit of ill-using his indentured Indian servants and that he was not a bad master.

12. We, therefore, recommend that the prohibition be now removed and that Mr. Woods be permitted to indent for more Indian Immigrants and to receive them on the same conditions as other employers.

13. We, further, recommend that, before an employer be visited with a punishment so severe, in the eyes of the European community, as that actually inflicted upon Mr. Woods, an opportunity should be readily accorded to him, should he desire it, of clearing his character from imputations, cast upon it by officers of the Immigration Department, before persons, chosen and appointed by His Excellency the Governor, who are entirely unconnected with that department. Had such enquiry been made in the case of Mr. Woods, we think that it would have been clear to His Excellency that it was not necessary to issue the order which Mr. Woods has felt so deeply.

CHAPTER VII.

POLLUTION OF STREAMS.

1. It is, we think, desirable to give the history of the agitation on this most important subject. When curative measures came hereafter under discussion in the Legislative Council, those persons who otherwise might possess but little knowledge of the matter will thus be armed with information concerning details, which have
been spread over many years and which have become entangled in numerous official records submitted for our consideration and minutely examined by us.

2. On November 5th, 1874, Lt.-Colonel Durnford, then acting as Colonial Engineer, formally called the attention of the Government to the polluted state of the rivers and streams, in Victoria County, caused by refuse from rum distilleries and sugar factories.

3. On March 5th, 1875, Mr. C. T. Saner of Southburn Estate, Blackburn, himself a Justice of the Peace, forwarded a complaint against certain persons to the Resident Magistrate, Verulam, for reference to the Lieutenant-Governor. This complaint was made on behalf of the inhabitants of the Blackburn district and referred to the pollution, by dunder and refuse from a rum distillery, of a stream which rises on the Cornubia Estate, passed through three estates and emptied itself into "the Great Umbhlanga" River. That stream, previously clear, had assumed the colour of coffee and had become so offensive that "its smell poisoned the atmosphere for miles round. Near the Cornubia Estate fish left the water and died in large numbers on the shore. The existence of which the pollution matter came, were detailed in the Road Overseer's deposition of March 27th. On April 2nd that overseer reported, after further examination of the locality, to the Resident Magistrate, that the effluvium from the polluted water was nauseating and sickening, that a gully, near one of the distilleries, was a hotbed of fever of a malignant type: he concluded with the words "I cannot close my report without drawing your attention to the fact, that what applies to Mr. Collison's distillery equally applies to every sugar factory, coffee-pulping house and distillery in this country within my knowledge; there is no attempt made anywhere to render innocuous or to deodorize these terrible effluvia.""

4. On May 6th, a month after the above report, Sir Garnet Wolseley appointed a Commission; its members were Lt.-Colonel Durnford, R.E., the Resident Magistrate, and the District Surgeon, of Inanda. It was charged to enquire into, and to report upon, the question of the pollution of streams, in the coast districts, by the refuse of sugar and other mills.

5. No enquiry was made by that Commission.

6. On March 21st, 1876, Lt.-Colonel Durnford resigned the Presidency of the Commission and returned the papers which had been forwarded for the consideration of the Commission.

7. In January, 1878, Dr. Seaton, then Medical Officer of the Avoca Circle, complained of the state of "the Little Umbhlanga" River, polluted by refuse from certain mills and distilleries.

8. In February of the same year the same Medical Officer reported to the Protector of Immigrants, Major Graves, that "the Little Umbhlanga can be likened to nothing but a cesspool. Both the District Surgeon and myself have filed affidavits on this subject before the Resident Magistrate with a view to mitigating the evil, but I fear that neither the present law or the machinery for its enforcement is in any way equal to the emergency. I would therefore most emphatically urge the necessity of immediate action in preventing the pollution of rivers and streams on the Coast—this can only be accomplished by a stringent law, absolutely forbidding the proprietors of mills and distilleries to permit any refuse to be discharged into any river or stream. Failing some such sweeping measure I most confidently predict a serious typhoid epidemic, which, while sweeping away the unfortunate immigrants by hundreds, would certainly not spare the employers, their families and white dependents. Such action would also be sound economy, as what is poison to human life forms a rich food to vegetation."

9. On the 16th of the same February (1878) the Road Overseer reported to the Colonial Engineer concerning the state of "the little Umbhlanga" river: speaking of its condition in one place, he said, "the water lay in stagnant or nearly-stagnant pools of black, putrid water, covered in some places with an inch or so of black froth. A little further down stream the water was of a sickly yellow hue and my horse, though thirsty, would not drink: all along the banks of the river a disagreeable smell was very apparent." He said that many "coloured" persons, of necessity, resided close to this stream.

10. On September 16th of the same year (1878) Mr. C. T. Saner of Southburn Estate, Blackburn, who, as we have observed in Section 3, had complained in 1875, reported the death of an indented Indian, No. 18,880, from typhoid fever; he forwarded therewith a memorandum from the Medical Officer of the Circle, Dr.
Kretzschmar, containing these words, "the death-rate along the Umhlanga will yet be higher, and the various forms of zymotic disease become more severe and fatal. The Umhlanga is a fatal nursery of such diseases, to which every sugar factory and distillery contributes. Twice before I made an official report to that effect."

11. The great Umhlanga, the little Umhlanga and the Umhlasine were the streams concerning which, during this year, 1878, complaints were repeatedly made by the Road Officer of the Colonial Engineer's Department, stationed in their vicinity. In connection with their pollution several persons were prosecuted before the Resident Magistrate of the Inanda Division; in each case, wherein a conviction resulted, a small fine of £1 was imposed. Mr. C. T. Saner denounced these fines as ridiculous and, having stated that on his own estate cases of typhoid fever were constantly occurring, protested against "the whole water supply of the country being polluted when such pollution can easily be avoided." He characterised the question as one of vital importance to the health of a large portion of the community.

12. On November 14th of this year, 1878, at an adjourned meeting of the Indian Immigration Trust Board a minute was recorded in these words, "the Protector having brought to notice the number of deaths of Indian immigrants in some of the estates in Victoria County, the result in a great measure of the pollution of rivers, intensified by the prolonged drought, the Board would respectfully suggest that some steps be taken by Government with a view to putting a stop as much as possible to the pollution of streams." On that minute the Attorney-General reported, "nothing can be done further than to prosecute any such flagrant cases as may be brought to notice by means of criminal charges preferred before any Resident Magistrate."

13. The pollution of streams continued and in 1879, on September 30th, Dr. McIntyre, the Medical Officer of the Avoca Circle, formally complained of "the very offensive and unhealthy smells pervading the atmosphere all round the neighbourhood of the Avoca Railway Station." To that unhealthy atmosphere he attributed sickness in his own family. Upon Dr. McIntyre's complaint the Road Officer of the District reported, after referring to former reports (in 1879) on the streams of Victoria County, that the refuse of nine sugar mills and two distilleries were regularly poured into "the little Umhlanga" river, a sluggish stream save in times of flood. He averred that its bed was a succession of pools, into which the filth from the mills was collected, and that, inasmuch as since the flood of December 8th, 1874, there had not fallen rain sufficient to thoroughly cleanse that river, there was then (October 4th, 1879) grave reason to apprehend the danger referred to by Dr. McIntyre. He contended that no serious effort had been made to abate the nuisance and that the fines imposed by the Magistrate (of Inanda) were not sufficient to deter offenders. Ten days after that report heavy rains descended and swept noxious matter from the bed of "the little Umhlanga" river.

The Inanda Magistrate explained that he had dealt lightly with those who had been charged with polluting the streams, because he was convinced that no punishment within his power would have any real effect as a deterrent, the evil being the growth of years and not the result of a single or individual act. He urged the necessity of prompt repressive action by the Government, to save its division from being plague-stricken.

14. The Natal Government, thereupon, communicated with that of Mauritius, with the view of discovering what steps had been taken in that island to check similar evils.

15. The reply from Mauritius arrived at the end of January, 1880, and, on the 8th April following, the Commission appointed by Sir Garnet Wolseley, in 1879, was superseded by one appointed by Sir Henry Bulwer.

16. The members of the new Commission were the Colonial Engineer (Captain, now Lt.-Colonel, Hime, R.E.), the Resident Magistrate, and the District Surgeon of Inanda. It was appointed "for the purpose of inquiring into and reporting upon the subject of the pollution of streams in the coast districts by the refuse of sugar and other mills, and for suggesting measures for the prevention of the same."

17. Within a month after the appointment of the Commission, Mr. W. Hawkesworth, of Undercliff Estate in Alexandra County, by letter (4th May) strongly impressed upon it the necessity of visiting and inspecting the streams in that County: he said, "very great uneasiness prevails in this district on account of the vile state of the river, and fears are expressed that fever may break out at any moment in consequence—the water is quite unfit for use either for man or beast—some of the people have to send nearly two miles for water for domestic use, although the stream that
formerly supplied them is not over half-a-mile distant." He concluded by assuring the Commission that a visit would convince them of the necessity of recommending the introduction of a bill to prevent the pollution of streams.

18. On October 20th, 1880, the Medical Officer of the Avoca Circle reported to the Protector of Immigrants that "the little Umhlanga" river was then in a very impure state. He said that the water was quite black, that the smell from it was very offensive, that the river was the receptacle of all sorts of impurities from sugar mills and Indian barrackds along its banks, and that the Indians washed their bodies and their clothes at the very spot in it from which they procured their drinking water. He averred that water taken from any part of "the little Umhlanga" river was unfit for cooking or drinking purposes, and was confident that such water, which he described as liquid poison, impaired the health of those using it and predisposed them to dysentery and diarrhoea.

19. On September 5th, 1881, the Commission made its report: it had inspected 10 sugar mills and rum distilleries. The Commissioners were convinced that the streams, in the neighbourhood of those mills and distilleries, were polluted to an alarming and dangerous extent by refuse discharged therein, such refuse containing matter highly deleterious to the health of persons using the water for drinking or culinary purposes. They further found that the proximity of Indian barracks to the streams and watercourses was a serious source of pollution thereto, the habits of the Indians being a direct cause of pollution. They were of opinion that the pollution of streams had increased year by year and that the evil had reached a stage so dangerous that immediate and stringent legislation was necessary for its discontinuance and prevention. They made 15 suggestions, which they recommended for embodiment in a bill to be introduced during the next session of the Legislative Council.

20. Accordingly, a bill, embodying all the suggestions of the Commission, was prepared and sent down to the Legislative Council on June 28th, 1882.

21. The operation of the proposed law was restricted, by its 19th clause, to the Coast districts, and, by the 20th clause, all expenses incurred in carrying out the provisions of the Law, save the cost of inspection which was to be defrayed from the general revenue, were cast upon the person creating the nuisance or upon the person in whose premises the nuisance should originate.

22. In order to give the country time to consider the provisions of the bill, the second reading was not moved until July 27th.

In the interval the Victoria County Planters' Association prepared an amended bill and forwarded it to the Government. This amended bill differed from the Government measure in that it applied to the whole Colony and omitted all mention of the particular means by which pollution was to be prevented, leaving it to Sanitary Inspectors to express satisfaction or dissatisfaction with the means which individuals might adopt as best calculated to mitigate the evil.

23. The Government bill was discussed on July 27th and 31st, and, on the understanding that every amendment proposed by the Victoria County Planters' Association should be brought forward in Committee, it was read a second time without a division.

24. On August 7th the Council went into Committee on the bill. After much discussion, on a division, it was carried, by the casting vote of the Speaker, that the words "Coast Lands" should be omitted in order that the bill might be applicable to the whole Colony. A member for one of the up-country districts at once moved that "the Chairman do leave the Chair": the motion was carried and the Government bill was thrown out for that session.

25. Before the session opened in 1883, a bill for the prevention of the pollution of streams was published in the Government Gazette: this bill was almost identical with that prepared by the Victoria County Planters' Association in 1882. The second reading was moved by the Acting Colonial Secretary on September 5th, 1883, and, after long discussion, the bill was read a second time without a division.

26. On September 10th there was a further motion by Mr. Escombe, and, after discussion, the bill, as proposed to be amended by Mr. Escombe, was ordered to be printed for general information.

The operation of the bill, so proposed to be amended, extended to the whole Colony and no provision was made therein for the payment of expenses incurred in working the law.
On September 17th, 18th, and on October 17th, there was discussion on the motion for going into Committee on the amended bill: on the last-named date, on the motion of Mr. Escombe, it was carried that "the order be expunged from the notice paper," and the bill was, thus, again thrown out.

27. In 1884 the Government made a further endeavour and introduced a bill (No. 45, 1884) "for preventing the pollution of rivers, streams, and watercourses in the Colony of Natal." It was rejected on the motion for its second reading.

The reasons for such rejection were given in an address of the Legislative Council forwarded to the Governor on July 24th (1884): the Council was of opinion that all the requirements of that bill would be met by the issue of instructions to Resident Magistrates or Medical Officers to report monthly upon the condition of the streams in their respective districts, the Attorney-General being required to take steps to ascertain the correctness of complaints reported to him by Resident Magistrates and to enforce the Law for the abatement of the nuisance.

28. Upon that address the Attorney-General reported to the Governor that he had no power under existing law to direct any person to enter premises, for the purpose of making enquiries, as suggested by the Legislative Council; he, further, observed that the Council erroneously assumed that under the common law there existed sufficient power to abate such nuisances.

29. The Government then transmitted to the Legislative Council a bill which contained no direct reference to the pollution of streams; in order to remove nuisances generally, it sought to arm the Government with powers necessary to compass the ends suggested by the Council. Authority was needed for invading private premises for the purposes of inspection.

30. That bill was rejected on the 12th September, 1884.

31. Thus, we see that nine years and ten months after the first official complaint of Lt-Colonel Dernford, after numerous investigations by various officials, after the careful labours of a Commission fully reporting upon the matter, after strenuous efforts repeatedly made by the Government to pass a Law which should provide some remedy for the existing evil, the question of river pollution remained in an unsettled and unsatisfactory state.

32. In 1885 our Commission was appointed and to us were forwarded the voluminous papers bearing upon the subject.

33. We were resolved to thoroughly satisfy ourselves by personal inspection of estates, rivers and streams. We visited seven of the 10 estates, seen by the former Commission of 1880, and fourteen other estates, our travels extending from Kearnsy Tea Estate in the North to the Nil Desperandum Estate in the South. We travelled to the Iifa, Umzinto, Isipingo, Durban, Avoca, Verulam, Stanger, Howick and Estcourt districts. We inspected the woolwashing establishments at the Umlazi and Umgeni rivers near Durban and those by the streams near Pietermaritzburg. In the course of our travels we saw the rivers Equefa, Umzinto, Iifa, Illovu, Umkomaazi, Amansintottle, Umlazi, Umphambinyoni, Umgeni, the Great and little Umlangas, Umhloti, Umhlasine, Tongaat, Umhlati, Umvoti, Mooi River, Bushman's River, Umsindusi, the Dorp Spruit, and Lion's River. We invariably inspected the smaller streams and watercourses immediately contiguous to the estates which we visited.

34. Notes and observations made by us, concerning some of the estates and woolwashing establishments, have been duly recorded in the books of evidence taken by the Commission. To those notes we invite attention.

35. When our enquiries on this subject were nearly completed, a special complaint was made by Mr. J. W. B. Louch, the Agent of the Effingham Estate, who reported to the Protector of Immigrants on July 12th, 1886, that the Umhlanga river, flowing through that estate, was polluted, to a dangerous extent, by refuse from rum distilleries. He attributed this pollution, chiefly, to the refuse from the Mount Edgecombe distillery, the property of the Natal Central Sugar Company, and had written, two days previously, a strong letter of reprimand to that Company's managing director. Mr. Louch, after inspection of the river at several points in its course through the Effingham Estate, described its water as black, turbid, and disgusting not only in appearance but in its stench. He pronounced its water to be utterly unfit to be drunk by the Indian labourers or even by the 50 or 60 oxen on the estate, and formally warned the Managing Director that he would hold the Company responsible for any injury which might be caused, by such pollution, to the labourers or oxen of Effingham Estate.
The Protector of Immigrants requested the Medical Officer to inspect, without delay, those portions of the river to which Mr. Louch referred. Unfortunately for the purposes of that inspection, heavy rain fell immediately after the Medical Officer received his instructions and this had, to a great extent, cleansed the Umhlanga at the time, July 15th, when that officer proceeded to inspect it.

36. The complaint was then referred to us, and a Committee, consisting of Brigade Surgeon (now Deputy Surgeon-General) Liewer and Mr. H. F. Richardson, proceeded to the Little Umhlanga river, which they inspected in numerous places in its course from Mount Edgecombe to Sea Cow Lake. They also recorded the evidence of Messieurs Louch, Bourke, Dr. McIntyre, Doberty, G. Bazley, and Ismail Hadji Hassan.

37. The members of that Committee discharged their duty in a very thorough manner and attention is invited to the evidence which they recorded and to their notes and observations made after personal inspection of the locality.

38. A perusal of that evidence and of those notes will clearly convince the reader that at that time, July 29th, 27th, and 28th, 1886, the Little Umhlanga river was in a polluted state, and that its foul condition was chiefly due to refuse from sugar mills and rum distilleries.

39. Water taken from the little Umhlanga river was used, we regret to say, at the Avoca Central Hospital at times when the river was much polluted. With reference to such use, the Medical Officer in charge of that hospital said (see his evidence) that "speaking of water supply, it is only recently I have been able to obtain sufficient for the patients at the Avoca Central Hospital all the year round without using the water of the Little Umhlanga river. I applied a number of times to the Protector of Immigrants on this subject, and he replied that they could not afford to put up extra tanks and that I was to use the Umhlanga water and that I was to boil it. I had to submit, but I wrote to the Protector of Immigrants and told him it was setting a bad example to Planters and others, who were sending their sick to the hospital, to find we were so careless as to our water supply."

40. We record, with much satisfaction, the fact that since 1880 many owners and managers of sugar estates have earnestly endeavoured to lessen the pollution of streams in the neighbourhood of their estates. "We were pleased to find that many had devoted much time and thought to devising remedies, and in some instances much money had been spent in improvements specially designed with a view to prevent the fouling of streams.

41. There are, however, at the present moment places where the arrangements for the disposal of dunder, vacuum-pan water and other refuse are very imperfect and where, in consequence, much deleterious matter finds its way into the nearest streams or watercourses.

42. Moreover, we invariably found the banks of watercourses or streams, running through or near estates, fouled, to a disgusting extent, by human excreta. Even near wells we found similar defilement. In one notable instance, Indians were located in huts within 20 yards' distance from a stream which flowed past on its way to an adjoining estate. Around those huts and up to the very edge of the water were human excreta in such profusion that we experienced some difficulty in our inspection. All such defiling matter would be swept, from time to time, by rains from the sloping banks into the streams. Yet, on the adjoining estate we found Indians living in huts near to the stream, using its water for drinking and culinary purposes, and themselves defiling its banks in the same objectionable manner.

43. We are of opinion:

1. That some of the rivers, streams and watercourses in the Coast districts are polluted to an extent which is detrimental to the health of the Indian population resident on estates contiguous thereto, of free Indians located in the near neighbourhood thereof, and of those colonists to whom the use, for domestic purposes, of such polluted water is a necessity.

2. That the causes of this pollution are avoidable.

3. That such pollution demands remedial legislation.

4. That it is advisable to include, in such legislation, rivers and streams in the upland districts.
44. We, therefore, recommend:

1. That a Bill be introduced for the prevention of the pollution of rivers and streams throughout the Colony.

2. That, inter alia, it do prohibit, under penalties, the fouling of any river or stream by the introduction therein of dung or refuse from any distillery, sugar mill, tannery, wool-washing establishment, or of any noxious matter from cesspools or latrines.

3. That it do prohibit, under penalties, the erection of Indian or other huts in close proximity to any river or stream.

4. That it do prohibit, under penalties, the fouling of any river or stream by any person easing himself therein or on the banks thereof.

5. That the right to inspect all farms, estates, mills, tanneries, wool-washing establishments, and all premises whereof an inspection may be necessary for the due carrying out of such law, be vested in a Sanitary Inspector appointed, as we elsewhere suggest, to supervise the work of the medical officers of the Indian Circles as chief medical officer.

6. That it be within the power of such Sanitary Inspector to direct that latrines be erected in the vicinity of mills, distilleries, Indian barracks, or in any other localities where many labourers are employed and wherein latrines are necessary for sanitary reasons, and that it be an offence for any person employed at such mills &c., to ease himself elsewhere than in such latrines within a distance of 300 yards from such latrines.

7. That it be an offence for any person to ease himself, elsewhere than in a latrine, in the neighbourhood of any house or inhabited premises.

8. That the Indian Immigration Trust Board shall have no control or authority over the "Chief Medical Officer" in his capacity as Sanitary Inspector in connection with the pollution of rivers and streams.

9. That such Sanitary Inspector shall not be controlled by, nor be bound to carry out any orders or suggestions of, the Protector of Immigrants.

CHAPTER VIII.

JUDICIAL POWERS OF THE PROTECTOR OF IMMIGRANTS.—Law No. 12 of 1872, ss. 10, 11, 12, 15, 16, 17, and 18; Law No. 19 of 1874, ss. 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 and 17.

1. The above laws confer upon the Protector judicial powers extensive in their range and of grave importance to all persons affected thereby.

a. The Protector can hear and determine complaints, wherein Indian immigrants are concerned, under the Masters and Servants Ordinance No. 2 of 1850, ch. 4, ss. 3 and 4, at any time and at any place convenient to the Protector; when holding such Courts he has power to punish for contempt by fine, and, in default of immediate payment, by imprisonment in the nearest gaol for any period not exceeding three months.

b. He can decide, in a summary manner, or by reference to arbitrators upon terms imposed by himself, all civil cases between Indian immigrants, including breach of promise of marriage and, as some Protectors have claimed, divorce suits.

c. He is empowered to decide upon all complaints made by Indian Immigrants against each other for seduction, adultery, or abduction, and to punish
males by fine of £10, by imprisonment for any period not exceeding thirty
days, and by a flogging not exceeding 20 lashes, and females by imprison-
ment for any period not exceeding one month.

d. He has jurisdiction, concurrently with Resident Magistrates, in all cases of
assault by Indian Immigrants or by Europeans upon such immigrants,
and his powers of punishing are co-extensive with those of Resident
Magistrates.

e. He can, in any case wherein an Indian Immigrant is concerned as plaintiff
or defendant, complainant or accused, sit with Resident Magistrates, and,
if a difference of opinion arise between him and a Resident Magistrate, the
decision of the Protector prevails.

f. Lastly, he can demand copy of record in any case, wherein an Indian
immigrant is concerned, decided by a Resident Magistrate, and may
forward such copy to the Governor, who is empowered to revise, confirm,
alter or amend the judgment or sentence of the Resident Magistrate.

2. We are strongly of opinion that the time has arrived for the abolition of the
Special Courts of the Protector and for the recall of all the judicial powers above
quoted.

3. Major-General Lloyd was Protector of Immigrants from November, 1872, to
May, 1876. He was a member of the "Cooie Commission," whose labours chiefly led
to the passing of Law No. 12 of 1872, which was signed by the Lieutenant-Governor
on November 14th: he was Protector when Law No. 19 of 1874 was signed by the
Lieutenant-Governor on January 12th. He was a "specialist," having had consider-
able judicial experience in India, and being able to converse with immigrants without
the aid of interpreters. At the end of 1872 the total Indian immigrant population in
Natal was estimated at 5,393; at the end of 1874 the number was not more than
8,560. We can easily understand that, at the time when those laws were passed, it
was expected that future holders of the office of Protector would be persons possessing
qualifications similar to those of the then holder, Major-General Lloyd. It might be
considered that extensive judicial powers could be entrusted, with safety, to such
persons. Moreover, the number of Indians was not very large, and it was desired to
give to them the cheapest access to justice. From such considerations arose the
special Courts of Protectors.

4. But what do we find now? On June 30th, 1886, the total Indian immigrant
population was 29,828, and, if we include Mauritius Indians and Indians returning to
Natal at their own cost, we may take 31,900 as the number of Indian immigrants,
exclusive of "Arabs," in Natal on that date. The 29,828 immigrants are subject to
the Protector's judicial powers as detailed in Section 1. If the interests of 5,393 or
8,500 Indian immigrants required, in 1872 or 1874, the judicial control of a Protector
of special qualifications, à fortiori do those of nearly 30,000 such immigrants in 1886.
But, since 1876 no Protector has had experience of Indian customs or habits other
than that acquired in Natal, no Protector has possessed the merest conversational
knowledge of any Indian language. So it has come to pass that, in their special
Courts, Protectors have been compelled to depend upon the aid of two Interpreters
attached to their department since 1877. Thus, in the period between that year and
June, 1886, during which the Indian population has increased from 12,668 to 29,828,
Protectors have been as helpless, with respect to Indian languages, as the Resident
Magistrates of the Colony. In knowledge of Indian character, customs or habits, they
have not been better qualified than the Resident Magistrates of the maritime districts
wherein the majority of Indians reside. And, thirdly, as regards the judicial faculty
and ability to weigh evidence, we fail to see how a Protector, who is totally without
judicial training and whose acquaintance with judicial procedure dates from the time
he assumes office, can surpass or even equal a Resident Magistrate who, as is now the
case in the Umtata, Umtata, Durban and Inanda Magistracies, has administered
justice daily, in open Court, for many years.

5. We are not disposed to attach much importance to the theory of cheap justice,
as tested by actual experience in Natal. We think that, if it be too cheap, it
encourages the institution of false and frivolous cases, debasing to the Indians and
irritating to European employers. Indians are fond of litigation, and the present
Protector, in his report for 1885, has testified that they are apt to institute false cases.
The judicial statistics, quoted at page 40 of the Protector's report for 1884, clearly
show how Indians can harass their employers by false or frivolous cases, even after
preliminary examinations by the Protector himself. As we remarked in chapter 1,
s. 6, the Protector, in 1884, instituted in Magistrates' Courts, on behalf of Indians 43 cases wherein employers or persons in authority were charged with assaults on Indians; in 36 cases Resident Magistrates, after investigation, did not convict! He instituted two cases for ill-treatment, in each of which there was an acquittal! Again, in 1885, the Protector instituted 20 cases wherein employers or persons in authority were charged with assaults upon Indians; in 12 of those cases there were acquittals. There were two prosecutions for neglect or refusal to issue rations, in each of which there was an acquittal, and one case of neglect to provide medical treatment resulting in acquittal. Our minute investigation of the grievances of the Indians at the central railway hospital at Durban, revealed the fact that many of the complaints were not only false but actually the outcome of a well-organised conspiracy. So cunningly had this conspiracy been worked out that no person was more astonished or annoyed than the Protector himself when one of the chief witnesses confessed to us and to Dr. Bennar, junior, that his statements to the Protector were false and had been made at the instigation of persons whom he named.

In Ceylon, where there is an Indian immigrant population of 300,000 and a total population of nearly 3,000,000, criminal process was, at one time, issued free of charge. But so long ago as 1871 it was found necessary, with a view to check the institution of false or frivolous cases in Police Courts, to pass a law (Ordinance No. 18 of 1871) imposing a stamp duty of fifteen cents on every plaint filed in, and of five cents on every subpoena issued from, such Courts. In 1868 (Ordinance No. 11 of 1868, s. 106) Magistrates were empowered to punish the institution of false or frivolous prosecutions by fine and by adjudging the complainant to pay the reasonable expenses of the defendant and of his witnesses; their powers, in this respect, were increased by the Law of 1871 (s. 4) which enabled Magistrates to award expenses in any case dismissed for the non-appearance of the complainant, the defendant being present. In default of payment of such expenses, Magistrates could issue warrants of distress addressed to the Fiscal.

6. With reference to the powers possessed by the Protector concurrently with Resident Magistrates, as detailed in sub-sections d and e of section 1 of this chapter, we have heard many complaints. It is considered that the preliminary knowledge, which the Protector must have concerning such cases, entirely disqualifies him for sitting in final judgment upon the matter. It is now widely thought that it was a grievous error to confer such jurisdiction upon the Protector. His presence upon the bench of Magistrates' Courts must cause irritation and distrust in the minds of employers, and in one case dissatisfaction was expressed by the defendant's counsel who retired from the case.

7. In our report on Marriages and Divorces, chapter iii, we have recommended that cases, now decided by the Protector under the 15th, 16th, 17th, and 18th sections of Law No. 12 of 1872, be tried in open Court by Resident Magistrates and that there be the right of appeal from their decisions to the Supreme Court of the Colony.

8. Our firm conviction is that an Indian immigrant, who has a real grievance, will not be slow to ventilate it, even as other members of the general community, in the ordinary Courts of the Colony. We would again cite Ceylon where, as we have remarked in chapter I., s. 6, there is no Protector to watch over their interests or to visit the numerous estates, there is almost an entire absence of laws passed specially in their interests, no Emigration Act with India is in force, and, as regards civil law, Indian immigrants from the continent of India have no greater privileges than those enjoyed by other members of the community, whether Moormen, Kandyans of the hill country, Sinhalese of the low country, Parsees, Malays, Jaffna Tamils or Europeans. Yet Indian immigrant labourers on coffee and tea estates freely resort to the ordinary Police Courts and complain not of the justice therein administered.

9. We recommend:

a. That Law No. 12 of 1872, ss. 10, 11, 12, 15, 16, 17 and 18, and Law No. 19 of 1874, ss. 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 and 17, be repealed, thereby abolishing the Special Courts of the Protector and taking away the judicial powers which he now possesses.

b. That all cases, wherein Indian Immigrants are concerned, be heard by the Resident Magistrates sitting in open Court and under the ordinary procedure in force throughout the Colony in civil and criminal matters.

c. That the decisions of such Magistrates in such cases be not subject to review except by the Supreme Court in appeal.
CHAPTER IX.

PRISONS.

1. We inspected the prisons at Pietermaritzburg, Durban, Stanger, Verulam, Umzinto, and Estcourt.

2. The arrangements made for the comfort of the Indian inmates, under sentence or detained during preliminary examinations, appeared, on the whole, to be satisfactory.

3. The Stanger prison was crowded, at the date of our visit, to an extent which, in our opinion, was detrimental to the health of the prisoners. The atmosphere of the cells was offensive.

4. We considered that the latrine accommodation at the Verulam prison was insufficient. Latrines should be reserved for the sole use of women.

5. Rule 73 of "The Rules and Regulations for the Gaols in the Colony of Natal," approved by the Governor in Council, is not enforced, in some of the prisons, as strictly as its importance demands.

That rule provides, inter alia, that "every prisoner shall, as soon as possible after his admission, be examined by the Medical Officer, who shall enter in the Gaol Register a statement of the condition of the prisoner's health and any observations thereon that may be useful."

6. We are of opinion that no Indian prisoner, under sentence of hard labour, should be put to such hard labour without previous examination by the Medical Officer of the prison, and that such examination should be made within 24 hours after the admission of the convict.

7. The evils of a lax system of medical examinations of convicts upon admission were painfully illustrated in the case, Regina v. Reynolds, tried by Mr. Justice Wragg at Durban on December 13th, 1884.

Kurampillei, an indentured Indian, was admitted into the Verulam prison under sentence of 14 days' imprisonment at hard labour. He was, in fact, suffering from severe heart disease, and he endeavoured to inform the prison officials that he was unwell. There was no interpreter on the prison staff and his complaints were not understood by those in authority. The Medical Officer did not examine him and he was sent daily, with other convicts, to perform arduous labour in carrying stones and sand for the construction of a weir across the Umhloti river at Verulam. He was so employed for nine or ten days. At 5.30 on the morning of September 30th he and others were sent, in charge of Reynolds, to work at the weir. Between 7 and 8 o'clock he staggered and fell under his burdens. Reynolds, the guard, thought that Kurampillei was malingering and roughly handled him until he fell into the water. He was then sent back to the prison, where his clothes were changed and he was placed in the hospital cell. The Superintendent went, an hour later, to look at him and found him in a dying state; the doctor was summoned but, before his arrival in an hour's time, Kurampillei died. The post-mortem examination revealed the fact that his heart was much diseased. It was clear that Kurampillei, from the time of his admission into the prison, was totally unfit for the performance of arduous work.

Reynolds, the convict guard, was indicted for culpable homicide and was convicted. The jury were convinced that Reynolds had broken the 106th rule of the Gaol Regulations by assaulting Kurampillei and that such assault had accelerated his death. They added to their verdict an expression of their regret that such laxity had existed, at the Verulam prison, with reference to the medical examination of convicted prisoners upon admission.

In all the circumstances of the case Mr. Justice Wragg was of opinion that the ends of justice would be met by a sentence of 3 years' imprisonment at hard labour.

The laxity, to which the jury referred, was clearly disclosed at the trial. Indeed, the Superintendent admitted that he was not aware that there was a rule requiring the Medical Officer to examine prisoners upon admission, and he further said that, usually, a prisoner was not examined by the Medical Officer unless he complained of illness. The Medical Officer, who in duty was bound to be well acquainted with the rules, 69-76, which define his obligations towards the prisoners in the gaol to which he was attached, did not examine or notice Kurampillei during the 10 days which
intervened between his admission and death. In Kurampille’s case the Medical Officer did not discharge the duties imposed upon him by the 70th and 73rd rules.

8. We recommend:

a. That to the permanent staff of every prison within the Colony be attached an officer competent to interpret, to the Superintendent, the complaints and requests of Indian prisoners.

b. That the 73rd rule of “The Rules and Regulations for the Gaols in the Colony of Natal” be amended by the Governor in Council, and that by such amended rule the Medical Officer, having charge of a prison, be required to examine, as soon as possible after admission, and not later than 24 hours after admission, every prisoner, whether Indian or of other nationality, admitted into such prison under sentence imposing hard labour, and to certify forthwith after examination, in the Gaol Register, whether such admitted convict be capable of performing hard labour without injury to his health.

c. That to rules 36-62, for the guidance of the Superintendent or Keeper of the Gaol, be added a rule directing such Superintendent or Keeper on no account to put to hard labour any prisoner, sentenced to hard labour, unless, after examination, the Medical Officer shall have certified that such prisoner is capable of performing hard labour without injury to his health.

d. That to those rules, 36-62, be added a rule directing the Superintendent or Keeper to forthwith report, to the Colonial Secretary, every breach, on the part of the Medical Officer, of the 73rd rule amended as we suggest.

e. That Medical Officers of Prisons be strictly charged to obey the instructions, contained in the 70th rule, with reference to the examination, from time to time, of all prisoners employed at hard labour.

CHAPTER X.

INDIAN INTERPRETATION.

1. Complaints were made to us concerning the defective interpretation, in the Courts of Resident Magistrates, in cases wherein Indians are parties or witnesses. The Magistrates themselves are not satisfied with such interpretation, and, having no knowledge of any of the Indian languages, they feel uncomfortable and uneasy when deciding Indian cases burdened with a conflict of testimony.

2. In some instances, the Interpreter, attached to a Resident Magistrate’s Court, is familiar with one or more of the dialects of northern India but is quite ignorant of, or very imperfectly acquainted with, Tamil, which is the language spoken by the majority of immigrants from southern India. Thus, as often happens, in cases wherein some witnesses come from northern India and some from its great southern division, the interpretation becomes broken, disjointed and unreliable.

3. In one instance, in a Circuit Court of the Supreme Court, the presiding Judge, who had some knowledge of the Tamil language, discovered that the interpreter, employed for that circuit, knew Hindustani well enough but had a very rudimentary acquaintance with Tamil. In the course of half an hour the Judge detected the interpreter in an endeavour to intimidate a Tamil witness, able to speak but a few words of Hindustani, into saying that he preferred to give his evidence in Hindustani rather than in Tamil, his own tongue!

4. In other instances, Magistrates’ interpreters have insufficient knowledge of the English language and convey the words of an Indian witness in “pigeon English,” absurd in its sound and ludicrous in aspect when recorded.

5. In the Supreme Court there is a competent interpreter in the languages of northern India. But it possesses no permanent Tamil interpreter and is, as to that language, dependent upon chance interpretation at times difficult to obtain. The item, “£200 for Tamil Interpreter te the Supreme Court,” was in 1886 struck out of the supply bill by the Legislative Council.
CHAPTER XI.

Administration of Estates of deceased Indian Immigrants.—Law No. 2 of 1870, Section 66.

1. We recommend that the 66th section of Law, No. 2 of 1871, be amended.

The words of that section are: "It shall be the duty of the Immigration Agent to collect and take possession of the property of any coolie immigrant who shall die in this Colony, and (with the sanction of the Governor) to deliver all such property to any person in the Colony who shall establish a right to the same, or, in the absence of any such person, to turn the said property into money, and pay the proceeds into the Colonial Treasury, in order that the same may be remitted to the person or persons in India or elsewhere who shall be entitled thereto."

2. We observe that this section draws no distinction between testate and intestate estates. Further, in many cases of intestacy amongst Indians a wife or children, or other relatives, of the deceased are resident in this Colony, and we think that, in such cases, matters will be satisfactorily adjusted in the family without the intervention of the Protector of Immigrants. Usually, these intestate estates are very small, often consisting merely of pots and pans, necessary for cooking, and worn clothing of trifling value.

3. We recommend:

a. That the operation of the section be restricted to cases of intestacy.

b. That action be not taken in any case save by the Indian Immigration Trust Board upon the report of the Protector of Immigrants.

c. That upon such report that Board shall proceed, with as little delay as possible, to collect and take possession of the intestate's property and to order the delivery thereof to any person in this Colony who shall establish a right to the same to the Board's satisfaction.

d. That, in the absence of claimants in this Colony, the Board shall sell the intestate's property and pay the proceeds thereof into the Colonial
Treasury subject to withdrawal, within ten years, by the Board in order to pay the same to any person, in this Colony or elsewhere, who shall prove his or her right thereto to the satisfaction of the Board.

e. That, after the lapse of ten years, the Board shall be at liberty to withdraw such money and to apply it to the relief of distressed Indian Immigrants, or their descendants, being in distress, resident in this Colony.

f. That the Board shall have the power to charge against an intestate's estate the expenses reasonably connected with its administration.

g. That any person, aggrieved by any order made by the Board under this section, shall have the right to appeal to the Supreme Court within six months from the date of such order.

4. The amended section might read thus:

It shall be the duty of the Indian Immigration Trust Board, upon report made to it by the Protector of Immigrants, to collect and take possession of the property of any Indian Immigrant who may die intestate in this Colony, and to deliver, with as little delay as possible, all such property to any person in this colony who shall establish a right thereto to the satisfaction of the said Board, or, in the absence of such person, to sell the said property and pay the proceeds thereof into the Colonial Treasurer. It shall be lawful for the said Board, at any time within 10 years computed from the date of the death of the intestate, to withdraw such proceeds in order to pay the same to any person, resident in this colony or elsewhere, who may prove his or her right thereto to the satisfaction of the said Board. In the event of no such withdrawal, the said Board may, at the expiration of 10 years computed as aforesaid, withdraw such money in order that the same may be by it applied to the relief of distressed Indian Immigrants, or of their descendants being in distress, resident in this Colony. Provided that the said Board may charge against any intestate estate the expenses reasonably connected with its administration, and, further, that any person, aggrieved by any order made by the said Board under this section, may appeal to the Supreme Court of this Colony within six months from the date of such order.

CHAPTER XII.

Suggested Law to prohibit the sale of intoxicating liquors to Indian Immigrants.

1. In this Colony Law No. 22 of 1878 forbids, under penalties of fine and imprisonment, the sale and disposal of intoxicating liquors to natives by any person whomsoever.

2. In 1883 the Legislative Council presented an address to His Excellency the Governor which contained a prayer that a Bill be introduced whereby all Indian Immigrants and their descendants, residing in any part of the Colony, should be placed under the restrictions put upon the natives by Law No. 22 of 1878.

3. A Bill, "to prohibit the sale and disposal of spirits and other intoxicating liquors to Indian Immigrants in Natal," was prepared and submitted to the Executive Council. That Council did not advise that it should be introduced.

4. The address of the Legislative Council was presented "in view of the great increase of drunkenness and crime resulting from the free use of intoxicating liquor by the Indian inhabitants of this Colony and the ready means by which the Natives obtain liquor through the agency of the same."

5. We have examined many witnesses on this subject. Their evidence and such criminal statistics as are forthcoming fail to convince us that drunkenness, and crime resulting therefrom, are prevalent amongst Indian immigrants in a greater ratio than amongst other sections of the community against whom no such restrictive legislation is proposed.
6. In Durban there is, and always has been, a more numerous Indian population than in any other town in the Colony. We call attention to the following statistics, with reference to thefts and assaults in that borough, in the period between 1876-1884:

<table>
<thead>
<tr>
<th>Year</th>
<th>Indians</th>
<th>Natives</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Population</td>
<td>Thefts</td>
</tr>
<tr>
<td>1876</td>
<td>1,450</td>
<td>29</td>
</tr>
<tr>
<td>1877</td>
<td>1,999</td>
<td>24</td>
</tr>
<tr>
<td>1878</td>
<td>2,538</td>
<td>16</td>
</tr>
<tr>
<td>1879</td>
<td>2,973</td>
<td>60</td>
</tr>
<tr>
<td>1880</td>
<td>3,309</td>
<td>73</td>
</tr>
<tr>
<td>1881</td>
<td>3,224</td>
<td>96</td>
</tr>
<tr>
<td>1882</td>
<td>3,130</td>
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<td>4,169</td>
<td>95</td>
</tr>
<tr>
<td>1884</td>
<td>3,867</td>
<td>93</td>
</tr>
<tr>
<td></td>
<td>26,659</td>
<td>566</td>
</tr>
</tbody>
</table>

7. The above figures, embracing a period of nine years, are instructive. Dissecting the totals we observe that in every 47 Indians has been charged with theft, and amongst the natives 1 in every 29. As to assaults, 1 in 141 Indians is an offender, and amongst natives 1 in 122. These proportions are greatly in favour of the Indians, although we might expect less crime amongst the natives who are supposed to be kept in the path of rectitude by the restrictive liquor provisions of Law No. 18 of 1863 and of Law No. 22 of 1878. There is little proof that drunkenness caused Indians to commit the thefts above tabulated. Indeed, the skill and concentrated thought, usually requisite for the successful accomplishment of such crimes, are incompatible with the theory of habitual drunkenness. And the Superintendent of Police at Durban, while expressing the opinion that "drunkenness is a habitual offence with the ordinary coolie," yet immediately adds "few commit petty thefts."

As to the assaults committed by Indians, it would appear that they are not connected with drunkenness, if we accept the same Superintendent's opinion: he says, "the most serious offences are caused by their women who are constantly forgetting to whom they are married, which I don't wonder at much as the mothers of some of the girls also forget and often sell, or promise, their daughters to several different men."

8. We must caution our readers that the above figures ought not to be accepted, against either the Indian or native community, as a reliable or even approximately correct basis of calculation, as to the said offences, for the whole Colony. In Durban, and in all large towns, Indians and Kafrs take to evil ways more readily than in rural districts.

9. We do not doubt that there is much truth in the averment that natives readily obtain ardent liquors through the agency of Indians. Thus, in the borough of Durban we find that, in the nine years from 1876 to 1884, 514 Indians were charged with supplying liquor to natives in contravention of Law No. 18 of 1863, and of Law No. 22 of 1878. We, however, doubt that they are more guilty in this matter than the white people who traffic in liquor. It has been shrewdly observed that the people, who make the loudest complaints against the Indian immigrants for selling or disposing of liquor to the natives, are the very persons who themselves sell liquor to natives; their trade is interfered with, and their profits are lessened, by the competition of Indian liquor traffickers. "Hinc illas lacrymes."

10. We admit that Indians do in Natal drink intoxicating liquors to a greater extent than in their own country and that they have, in this respect, fallen away from their high standard in India. In 1833 the Natal Emigration Agent at Calcutta, in an official letter to the Protector at Durban, said: "The population of India is mainly composed of Hindus and Mahomedans, who, while on their native soil, seldom indulge in intoxicating liquors. Amongst the Hindus there are men who drink. They are the lower classes of labourers, such as Chamar, Dosand, Cole, Veel, the common Madrassees, &c., who indulge in liquor on occasions of festivity, but are seldom habituated to its use. The higher orders of Hindus, such as Chutaries, Bohoyear, Banias, &c., not to mention Brahmins, are intensely averse to the use of any sort of intoxicating liquors. They, together with the Mahomedans, are strictly forbidden by their religions even to touch them in any form except as medicine."
The Hindu Emigrants are compelled to throw off their caste prejudices, having to eat their meals in company with Mahomedans on board ship. Their religious prejudices are thus shaken, and they begin to acquire the evil habit of drinking, become gradually accustomed to it, and not only lose their first aversion towards the use of intoxicating liquor, but conceive a certain fondness for it, and at last many of them turn out habitual spirit drinkers.

I have seen a number of Indian coolies detained in this Depot for four months awaiting embarkation without requiring or asking for any intoxicating drinks. Whereas, intoxicating liquor is frequently used as a common necessary of life by Emigrants who offer to re-emigrate even during their short stay in the Depot. There have likewise been instances of drunkenness amongst Emigrants who had just returned from the Colonies, resulting in their utter ruin; for, notwithstanding repeated warnings given them by the Emigration Agents here and their staff to take care of themselves and their money, they are robbed of every pice they have with them while in a state of insensibility from drunkenness."

Such are the words of an officer who had ample opportunities of observing returning emigrants, and we, in section 29 of chapter xiii on the general condition of the Indian Immigrant population of Natal, have stated our opinion that Indians, and especially free Indians, in Natal surrender themselves to the drinking of intoxicating liquors to a greater extent than in their own country. Thus, in the interests of the Indians, our sympathies would run with a just attempt to restrict the sale to them of all intoxicating liquors.

11. But, in the same section, we recorded the absence of satisfactory proof that the percentage of "drunk and disorderly" persons is greater amongst Indian immigrants than amongst other races dwelling within the Colony. The proposed law is altogether silent as to these other races.

12. Further, it appears to us that a restrictive law, as suggested by the Legislative Council, could not, with equity, be applied to any Indian immigrants already in the Colony or who might be engaged for Natal before the passing of such law became known. So, an immense number of Indians, no fewer than 30,000, in all parts of the Colony, would be free to purchase and to possess intoxicating liquors, and thus, at once, we see that the main end, which the proposed law had in view, would be defeated. There would be a great multitude of Indians, under no disability as to the purchase of liquor and scattered throughout the Colony, who, if so minded, could evade the Law No. 22 of 1878.

13. On the score of expediency we look with disfavour on the proposed law. We fear that its restrictions would check emigration from India to Natal. If our fears were verified, the law would work injuriously to the interests of Natal employers and, notably, to the detriment of sugar planters.

14. After due consideration of the question, which is worthy of grave attention, we are of opinion that it would be unjust to recommend the introduction of any bill seeking to extend the provisions of Law No. 22 of 1878 to immigrants, introduced from India under the laws now in force and upon which the Government of India has sanctioned the emigration of their subjects to the shores of this Colony. If the proposed law included the white population of Natal, the question would assume a different aspect, at least upon the ground of expediency.

CHAPTER XIII.

Burial of the Dead.—The Durban Cemetery.

1. Free Indians, dwelling in rural districts, bury their dead in places selected by themselves. No person in authority controls such selection.

Many of their locations are densely populated and we think that the indiscriminate burial of the dead, in close proximity to high roads, is objectionable and is a possible source of danger to the general community.

2. At Central Hospitals the dead are interred, at some distance, in spots specially set apart, and, usually, the graves are well kept.

3. In Durban the Indian dead are buried in a separate portion, about one acre
in extent, of the general cemetery. At the date of our visit that separate portion was in charge of Sergeant Thomas King, of the Borough Police, who had held the appointment for 3 years. The details of his evidence are absolutely revolting: it is recorded on pages 228-252 of Vol. 1 of our manuscript notes of evidence. Some days before his examination by us, he had formally reported the state of the cemetery to the Superintendent of Police: the following are extracts from his report—"They (the Cooile and Kafir Cemeteries) are covered in one mass of bush and rank weeds—they want to be fenced on in three sides and a gate put up with lock and key, the ground wants laying out in two divisions and some walks made so as to tell where people are buried—at present skeletons are repeatedly dug up, because after a short time no one can tell where a corpse has been buried. Cattle and pigs have the run of the place—within the last three months I have shot ten—then the underwood grows too quick, all trace of a grave is lost in six months or less: as things stand now the Coolies can come at any hour of the night and I, or at least, the law allows them to bury. The Arabs come here and quote Mohammedan law at 11 o'clock p.m., dig up the skeleton of another corpse and sling it all over the place and I cannot stop them—they have done this. Other parties come at night and tell me they want a grave made, I make the grave myself, telling them they will have to pay—they say "all right," the grave is made and corpse covered up, they then plead poverty, they have no money, they will come to-morrow, but to-morrow never comes. Sometimes a man will come to me and say "I want a big grave made": I ask him what size, he gives me measurement—7 ft. x 4 ft., I make it, I have to hire two Coolies and then do the most of the work myself. For this I usually charge 10s., but very seldom get it. A man will come to me, "I want a grave made." "Well, you will have to pay." "Yes, all right." They come with the corpse, "This won't do." If I have made it from north to south, he then wants it made from east to west. They then pay what they think fit. More of them come with a little bit of an old shovel to make the grave themselves, well they dig about 3 ft. in the ground in about as many hours. If I was not there, they would put the body in, then in about a week I find it rooted up with pigs, as I have on one occasion found. I had to set to and make a grave the proper depth and bury the body myself. I have found children buried not more than 2 ft. in the earth, those I had to bury myself, and I am told there is no law to stop them from burying at night, the sooner there is one the better, I think. If I was allowed a little more wages, I could employ a cooile to keep the place in good order and dig the graves for all to the proper depth. The Corporation could make a nominal charge for each cooile, say 5s., unless he was a pauper: this would be, I think, satisfactory to all parties: as the place is now, it is a disgrace to the town and dangerous to health."

4. Such were the emphatic words of Sergeant King after 3 years' experience in supervising this portion of the Cemetery. Our visit convinced us that they were thoroughly justified.

We found the whole of this separate portion in a very neglected state. It was fenceless, the graves were ill kept and without systematic arrangement, there were no pathways, the ground was not laid out in any way, some graveclothes were seen protruding from the side of a grave which had, evidently, been disturbed by some animal, and the whole place was a menace to health.

5. When examined by us, Sergeant King stated that the pigs, which trespassed and rooted up the bodies of the dead, were the property of butchers whose slaughterhouses were about 20 yards' distance from the cemetery: he said that he had warned all the butchers in town about the pigs. We fear that the bodies of such pigs have been sold for food.

6. We consider that King's repeated requests, that men should be sent to clean the Cemetery, deserved attention and should have been granted forthwith. They were disregarded and, at the date of our visit, the bush and underwood in the Cemetery had not been cut for 18 months or two years. We invite attention to his evidence and we trust that those, whom it may concern, will use their best endeavours to prevent the recurrence of such unseemly neglect.

7. We recommend:

a. That the indiscriminate burial of the dead, in close proximity to high roads, on Free Indian locations, be forbidden.

b. That the Indian graveyards, in towns, be maintained with decency and due respect to the dead.

c. That no grave be less than 6 ft. in depth.

d. That only one body be placed in each grave.
CHAPTER XIV.

The Durban Depot.

1. We were informed that the buildings are at times overcrowded with immigrants. No attention is given to the amount of cubic and superficial space per occupant.

2. One wooden building was in a dilapidated state. It is used, occasionally, to mitigate the overcrowding in other parts of the depot.

3. With much surprise we noticed that no means existed for separating the sexes; married and unmarried men and women live together day and night.

4. The buildings are ventilated by doors, windows, and a narrow opening running beneath the eaves.

5. Cooking, for the healthy and sick, is carried on in a "lean-to" unprovided with a chimney; smoke blackens roof and wall, and must affect the food.

6. There is no lavatory for the immigrants, who are obliged to wash in the open air.

7. Drinking water is obtained from a covered well in the compound by means of a pump; it is sufficient in quantity and is said to be of good quality as determined by an analysis made three years ago. There are also tanks for the collection and storage of rain water: at the date of our visit they were, for the most part, in holes and unserviceable.

The immigrants resort to a shallow well, near the latrines, for water to wash the person after defaecation.

8. In the latrines, which are divided into compartments, pails are placed. The dry earth system of conservatism is in use, the pails being emptied every second night, or each night if the depot be fully occupied.

9. There are no urinals; in lieu thereof, recourse is had to holes, dug at the back of the latrines.

10. There is no proper bin for the reception of rubbish, and all refuse is placed against a wall where it lies exposed to heat, rain, and high winds.

11. We recommend:

a. That the amount of cubic space and superficial area be estimated by the Medical Officer in charge, that the total number of occupants, for whom each room is allotted, be painted on the door thereof and that such number be not exceeded.

b. That separation of the sexes be enforced, as the present system must lead to moral degradation and probably accounts, to a very large extent, for venereal diseases with which newly assigned Indians are afflicted.

c. That the ventilation of the buildings be improved by louvres or ridge ventilators. It is obvious that the present means are inefficient, doors and windows being closed at night and in bad or cold weather; ventilation should be independent of doors and windows.

d. That a chimney be built in the cook-house to which we have referred.

e. That means be furnished for personal washing and bathing under cover and with due regard to decency.

f. That the shallow well near the latrines be closed.

g. That the use of the latrines be compulsory and that means be adopted to prevent the fouling of the depot promises by human excrement.

h. That the practice of throwing water into, or washing the person over, the latrine pails be discontinued, as such practice not only destroys the efficiency of the dry earth system but increases the ordinary effluvia.

i. That urinals be provided.

j. That a bin be provided as a receptacle for refuse and ashes.
CHAPTER XV.

The Durban Depot Hospital.

1. No attention is given to the amount of cubic and superficial area per inmate.

2. The lavatory is a room destitute of water, basins and bath: it is, apparently, used as a store room, as we saw in it some boxes and a coffin.

3. The sexes are not separated. We noticed a sick woman lying in a ward wherein were sick men.

4. There are no wards for special and infectious cases or for cases of childbirth. Indians, afflicted with leprosy, were mixed with the ordinary sick.

5. Sick men, women and children were mixed with those in perfect health.

6. The latrine accommodation is inadequate: there are only four seats for a large number of sick.

7. The urinals are holes dug near the latrines.

8. There is no mortuary: corpses are placed in an ordinary room, if unoccupied, or in the open air.

9. The nursing staff consisted of one male attendant: there is no female nurse. Consequently, much of the care of the sick devolved upon Mr. Sherrard, the Compounder and Superintendent, who appeared to be overworked.

10. There is a want of economy in dieting. In cases, wherein a large amount of extras is issued, there does not appear to be any saving in the ordinary rations. Thus, we found entered against the name of Nurkhani, a sick Indian, as rations and extras for one day the following:

   1 lb. of rice.
   ½ lb. of mutton.
   ½ lb. of bread.
   1 pint porter.
   4 oz. milk.
   2 oz. dholl.
   2 oz. sugo.
   2 oz. sugar.
   ½ oz. glue.
   ½ oz. salt.
   4 oz. curry powder.

11. The supply of drugs is ample.

12. Potent and dangerous drugs are mixed with ordinary medicines on a shelf.

13. We recommend:

   a. That the amount of cubic space and superficial area be estimated by the Medical Officer in charge, that the total number of inmates, for whom each ward is allotted, be painted on the door thereof and that such number be not exceeded.

   b. That greater facilities be afforded for the ablution of the sick.

   c. That wards be specified for the exclusive use of women and children, and for special cases of illness.

   d. That the latrines be enlarged.

   e. That urinals be provided.

   f. That a mortuary be built.

   g. That a female attendant be employed on the nursing staff.

   h. That strict economy be exercised in the issue of extras, consistently with the welfare of the sick.

   i. That a dietary be drawn up exclusively for the sick, and that the ordinary rations be not credited for hospital purposes and supplemented by extras.
j. That the scale of diets be printed in Tamil and Hindustani, and that it be hung up in each ward.

k. That two patients, who should be frequently changed, be present at the weighing of diet rations.

l. That poisons and potent drugs be kept in a cupboard, specially set apart for their custody, and that the key be in charge of the Superintendent of the Depot.

CHAPTER XVI.

CENTRAL HOSPITALS—DIETARY.

1. The practice is to regard the authorized scale of rations as the foundation of the dieting of hospitals.

2. This scale is supplemented by a variety of extras ordered by the Medical Officer but not altogether according to his judgment and discretion. Thus, we observed, with surprise, that the Medical Officer of the Verulam central hospital had been reproved by the Protector of Immigrants for giving bread to a patient who was dangerously ill.

3. We remarked, when speaking of the Durban depot hospital, that there appeared to be room for economy in the system of dieting the sick. The same remark is applicable to all Central Hospitals.

4. This economy may be effected in saving the cost of the authorized rations by expunging that scale as the basis of hospital dieting and by substituting a suitable scale of hospital diets.

It must often occur that a sick man is in an unfit state, nay positively unable, to eat the authorized rations or any portion thereof; in such case, the patient is subsisted on the extras, prescribed by the Medical Officer, and which therefore, in reality, constitute his diet: nevertheless, we have found that the authorized rations were expended in such cases.

There surely must be in the Indian central hospitals, as in other hospitals, many cases of illness wherein proper dieting is as important as medical treatment and wherein a suitable scale of diets would do away with the need of extras to a very large extent.

5. We recommend:

a. That a scale of diets, as above suggested, be adopted at all the Central Hospitals, and that a copy of the scale, printed in the Hindustani and Tamil languages, be suspended on the wall of each ward.

b. That, in order that the sick may be satisfied, two patients, who should be frequently changed, from each ward, be present at the weighing and issue of the diets and extras.

c. That all cases, wherein extras to the ordinary diets are ordered, be recorded at length by the Medical Officer in the case book, particulars being stated as to the quantities ordered and the reasons for giving them.

CHAPTER XVII.

CENTRAL HOSPITALS—BUILDINGS.

1. Our inspection of central hospitals, as to their structural arrangements, was satisfactory.

2. We think that less costly buildings would suffice and be equally well adapted for the treatment of the Indian sick. A great advantage would be that, if hospital diseases should appear in any building of simpler structure, its destruction would entail but little loss.

3. A building of corrugated iron, lined with wood, would be suitable, and, if
made easily divisible into pieces, its materials could be transported to any new site which, for various reasons, might become necessary.

4. We, therefore, recommend that, in the case of future erections for hospital purposes, the Immigration Trust Board do endeavour to economise in the way indicated by us.

CHAPTER XVIII.

RECRUITING IN INDIA.

1. Loud and bitter complaints were made to us by employers, in every district which we visited, concerning unserviceable Indians allotted to them. We inspected numerous Indians who were unfit, from various causes, to perform the contract, entered into by them, to the satisfaction of their employers. The recruiters in India ought not to have collected such men, and the Natal Emigration Agents at Calcutta and Madras ought to have refused to accept them when presented by their recruiters.

2. Some were unserviceable by reason of their age, being too old for hard and continuous work in the cane fields.

3. Some were unfit because their previous occupation in India had rendered hard and regular work nauseating to them. These had been priests, professional beggars, goldsmiths, barbers, tailors, policemen, weavers, clerks, shopkeepers. When such men reach the estates to which they have been allotted by the Protector of Immigrants, they, usually, at once decline to do hard work and threaten to commit suicide if compelled to do work to which they are not accustomed: their conduct demoralizes the whole labour force of an estate. Such men are, practically, useless to employers, who, finally, despair of obtaining any benefit from them and return them to India at considerable loss.

In 1885, 85 such men were returned to India; all of them had been recruited since 1880, and 44 were recruited in one year, 1884. There are many others, equally useless, yet in the Colony.

It is in evidence that men have actually committed suicide because they were compelled to do work which they disliked.

4. Some were, physically, unfit for work. These were men (1) suffering from debility as a constitutional infirmity or (2) from diseases which rendered them incapable of doing ordinary work continuous in its nature. Thus, at the Central Sugar Mill at Mount Edgecombe, amongst a considerable number of sick and useless men collected for our inspection, we noticed one man totally incapacitated by reason of a large scrotal hernia which, being irreducible, placed life at any moment in jeopardy.

5. Some were unfit on account of menial infirmity. We observed, inter alios, one man of diminutive stature, with short and curved legs, enormous head, countenance vacant of all intelligence, a hopelessly imbecile being.

6. Some are “gaol birds,” others fleeing from justice: one man confessed to his master that he had been imprisoned in India, after conviction on a charge of manslaughter, and that a portion of his sentence had been remitted on condition that he emigrated!

7. As to the women, some were prostitutes, by profession, before embarkation: as may be expected, they continue their evil practices in Natal not only on the estates to which they are allotted but on all the neighbouring estates.

8. The 49th section of Chapter VIII of the Indian Emigration Act, No XXI of 1888, provides for the examination of emigrants, thus:

(1) The copy of the agreement received by the recruiter from the Registering Officer or Protector must, as soon as conveniently may be after the arrival of the emigrant at the depot, be shown by the Emigration Agent to the Medical Inspector of Emigrants.

(2) The Medical Inspector shall examine each emigrant entered in the agreement to ascertain whether he is fit, having regard to his age and state of health, to undertake the journey to the country to which he has agreed to emigrate.
(3) The Medical Inspector, if satisfied of his fitness, shall give a certificate to that effect to the Emigration Agent. If not so satisfied, he shall give a certificate to that effect to the Protector of Emigrants.

By the 80th section, power is conferred, upon the Governor-General in Council, to make rules consistent with this Act of 1883, and quite recently (1886) such rules have been issued. Therein is "Colonial Emigration Form No. 22," which is as follows:—

Form of Certificate of Final Medical Examination of Emigrants.

Statement of results of Medical Examination of Emigrants to be embarked in ship.

On this the day of 188 , I identified in depot the emigrants intended to be embarked for ; and found them to answer to their descriptive particulars in the embarkation nominal roll (list). I examined each individual emigrant in respect of his or her fitness in point of health to undertake the voyage; and I am satisfied that they are, with the exceptions noted below, fully capable of making the sea voyage SAFELY, and without endangering the health of others.  

Surgeon Superintendent.

MEDICAL INSPECTOR'S ENDORSEMENT.

The emigrants referred to in the above statement were examined by me at the embarkation wharf, and I am of opinion that they are fit to proceed, excepting those bearing the numbers noted below who have been exchanged for other emigrants brought from the depot..........................

.......................... , and I am of opinion that every emigrant who has been substituted and entered in the nominal roll (list) accordingly can safely be allowed to proceed to the colony.

Medical Inspector of Emigrants.

9. We observe that the duty of the Medical Inspector is limited by the 49th section of the Act to ascertaining whether such emigrant is fit to undertake the journey to the country to which he has agreed to emigrate. Nothing is said, in that section or elsewhere in the Act, or in the rules recently passed thereunder, as to any examination for the purpose of ascertaining the fitness of the emigrant to perform labour after arrival in the country to which he has agreed to go.

It is obvious that many emigrants might be certified in India as fit to undertake the voyage to Natal who would be, wholly or in part, useless as field labourers in Natal. For example, the man, suffering from the irreducible scrotal hernia, might be certified as fit to undertake the voyage to Natal; it would be impossible to truthfully certify that he would be fit upon arrival at his destination, to perform even ordinary labour continuous in its character.

It may be that the authorities in India consider that the fitness of emigrants, for field or other labour in Natal, is a matter rightly falling for determination upon the Emigration Agents for Natal at Calcutta and Madras. They may say that the mere fact of those Emigration Agents presenting recruits for examination, by the Medical Inspector, at the ports of embarkation, is prima facie evidence that such agents are satisfied as to the physical and mental fitness of the recruits to perform their contract when in Natal.

It appears to us that there would be considerable force in such contention and that it rests upon sound sense.

The Government of India speaks to the Government of Natal, practically, in this wise: "Certain persons in Natal require the labour of men and women living within our jurisdiction: we sanction such requisitions and we acknowledge Emigration Agents, at Calcutta and Madras, as representing the Natal requisitionists: those Agents, by their own recruiters, collect emigrants, and we, for our own satisfaction, appoint Medical Inspectors to ascertain whether those emigrants, so collected, are fit to travel to Natal, and, if they be fit, we allow them to go: as to their peculiar qualifications for certain work or even general fitness, physically or otherwise, for the performance of ordinary work, after arrival, we, by our Medical Inspectors, pronounce no opinion: we assume that such peculiar or general fitness exists, because the Natal Agents have recruited these men and women and ask us to pass them: if it turn out, in actual fact, that many of them, when in Natal, are useless for the purposes for which they were imported, that is a mere question of agency as between the
requisitionists in Natal and their agents in India: if the Agents send unprofitable recruits, it is competent for the requisitionists to express their displeasure and to change their Agents: we, at any rate, decline to accept the responsibility of certifying that emigrants will be, physically or otherwise, fit, on arrival in Natal, to perform the work for which the Agents have recruited them."

10. If employers be dissatisfied with the mental or physical condition of Indian men and women assigned to them by the Protector, they should state their grievances to the Indian Immigration Trust Board. We consider that it is the duty of that Board, upon well-founded complaints, to give such instructions to their Agents at Calcutta and Madras as will prevent, or materially decrease, the recruiting of such undesirable emigrants. If, notwithstanding such instructions, profitless servants be despatched, they should be returned to India as soon as conveniently may be after proof of their inability to perform their contract. The cost of such returns should be defrayed from the Indian Immigration Trust fund and not from the pockets of the unfortunate employers to whom such immigrants have been assigned by the Protector.

11. We recommend:

a. That the Indian Immigration Trust Board do, without delay, instruct their Agents at Calcutta and Madras to abstain from recruiting all Indians who may be included in any of the following classes:
   1. Priests.
   2. Professional beggars.
   3. Weavers.
   4. Ex-policemen.
   5. Clerks.
   7. Tailors.
   8. Shopkeepers.
   10. Goldsmiths.
   11. Persons suffering from mental infirmity.
   12. Persons suffering from general debility or from chronic disease.
   13. Men over 45 years of age.

b. That, in order to avoid the liability to pay compensation and costs to any recruit, who may be rejected, without fault on his part, by the Agents (cf. sub-section c. of sect. 50), under the 50th, 51st, and 53rd sections of the Indian Immigration Act, No. xxi of 1888, the said Agents be directed to give the most strict instructions to their recruiters to abstain from recruiting the above-mentioned undesirable emigrants, from registering them under the Act, and from carrying them to the port of embarkation.

c. That the Agents be instructed to recruit, to the greatest extent possible, men accustomed to agriculture and farming operations.

d. That, as soon as conveniently may be after the arrival of immigrants at the Darban depot, a Medical Board, consisting of three members, do examine each immigrant.

e. That any immigrant, pronounced by the said Medical Board to be unfit for work by reason of physical or mental disability, be returned, as soon as conveniently may be after such examination, to the Indian port whence he or she embarked, at the expense of the Indian Immigration Trust Board.

CHAPTER XIX.

Emigrant Vessels.

1. The health and comfort of emigrants are so well and fully considered in sections 54-79 of Chapters ix and x of Act No. xxi of 1888 (The Indian Emigration Act, 1888), passed by the Governor-General of India in Council, that it is not necessary to notice many matters, which otherwise would call for attention, with respect to the arrangements on board vessels employed in carrying emigrants from India to Natal.
2. By that act very considerable powers are conferred upon the Protector of Emigrants and the Medical Inspector of Emigrants, at the ports of embarkation in India, and, if the provisions of the Act be duly enforced by those officers, we doubt not that all reasonable requirements of emigrants, when on the sea, will be amply met.

CHAPTER XX.

Venereal Diseases.

1. The very great prevalence of these diseases, among the Indians of both sexes, is the subject of much complaint by Medical Officers of circles and by owners of estates.

2. We have satisfied ourselves that there are just grounds for such complaints.

3. The spread of these diseases is fostered by well-known Indian prostitutes, who wander from one estate to another, and by the arrival on estates of newly assigned Indians, male and female, in whom the diseases are existing.

4. We find that prostitutes are actually imported among the single women from India. Thus, we have before us the emigration certificate of Thoy, No. 33225, an Indian woman, 20 years of age, who arrived from Madras in the Dumphale Castle at the end of 1884. Her "caste" is therein described as "prostitute," and attached thereto is a "special nurse's certificate," dated October 30th, 1884, duly signed by a diplomaed nurse and midwife of Madras, to the effect that she, Thoy, after examination on that day, has been found to be free from venereal diseases.

5. It is not, therefore, surprising that venereal diseases are contracted during the voyage from India to Natal. The examination, prior to embarkation at Calcutta and Madras, of emigrant women by "the special nurses," appears to be insufficient and unreliable: we find that, in the period between 1874 and the commencement of 1885, 96 women were found on examination after debarkation at Durban to be affected with venereal diseases: 10, so affected, were married women. It is in evidence that one married woman committed suicide, by jumping overboard during the night, because her intercourse with a paramour had been discovered.

6. On estates in Natal, the concealment of the disease and the want of authority to compulsorily remove diseased persons to Central Hospitals, and to detain them therein until cured, help the extension of these contagious diseases. Many complaints were made to us that individuals, affected with these diseases, escaped uncurmed from central hospitals, and that patients, when their disease could no longer be hidden, strongly objected to be removed to hospital. Thus, when visiting the Estate No. 2 of Messieurs Reynolds at Umzinto, we observed an Indian suffering so severely from syphilis that he could barely walk, and the woman who infected him was pointed out to us. She was in her room in the barracks, ill in bed with syphilis; nevertheless, she was living with another man, who confessed to cohabitation with her in her diseased state!

7. We recommend, as preventive measures:

a. That the Indian Immigration Trust Board instruct their agents at Madras and Calcutta to abstain from recruiting immigrant women who are known to be prostitutes.

b. That greater care, generally, be taken in the selection of women in India.

c. That men and women, reasonably suspected of being affected with venereal diseases, be subjected to a thorough examination prior to embarkation.

d. That, during the voyage, there be a complete separation of the sexes: that latrines and wash houses be set apart for the exclusive use of females and children: that there be trustworthy sirdar supervision at all times, especially at night.

e. That the medical examination at the Durban depot, of men and women, be made as soon as possible after the landing of the Indians: that, in order to discover cases of disease contracted during the voyage or undeveloped at the time of departure from India, the examination be more careful and stringent than hitherto.
f. That our recommendations, made elsewhere with reference to the separation of the sexes at the Durban depot, be strictly carried out, in order to secure such separation, by day and by night, as well in the depot hospital as in the depot barracks.

g. That authority be given by law, to employers and to Medical Officers of Indian circles, to remove to Central Hospitals, and to detain therein until cured, indentured Indians who are known to be affected with venereal diseases.

h. That authority be given by law, to employers, to deduct from wages the costs of removal to, and of treatment in, Central Hospitals, of Indians affected with venereal diseases, so manifestly the result of misconduct. At present, employers not only lose the services of such Indians, when in hospital, but are actually compelled to pay the hospital fees.

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CHAPTER XXI.

RATIONS OF ADULTS.

1. The scale of rations, now authorized for adults, is as follows:

1½ lbs. of rice daily, or, for three days in the week, in lieu of rice, 2 lbs. of maize meal.

Dholl ... ... ... ... ... 2 lbs. per month.
Salt fish ... ... ... ... ... 2 lbs.
Ghee or Oil ... ... ... ... ... 1 lb.
Salt ... ... ... ... ... 1 lb.

2. The Protector of Immigrants thinks that this scale is insufficient to support a man and avers that Indian men look upon it as only half rations.

He would amend the scale thus:

Rice ... ... ... ... ... 2 lbs. daily.
Dholl ... ... ... ... ... 3 lbs. per month.
Fish ... ... ... ... ... 4 lbs.
Ghee ... ... ... ... ... 1 lb.
Salt ... ... ... ... ... 1 lb.

3. The Medical Officer of the Pietermaritzburg circle characterizes the present scale as defective in nitrogenous matter.

4. Our own enquiries on the numerous estates which we have visited have not convinced us that the authorized scale needs general amendment.

It may be that the Medical Officer of the Pietermaritzburg circle has met with exceptional cases wherein the labour performed by Indians caused unusual exertion; it may have happened, in such cases, that, as maize and rice, especially the latter, are classed low in the scale of grains affording nitrogenous aliment, the allowance of dhoil, which is rich in the nitrogenous element, was not sufficient to sustain the necessary energy. Milk, given by employers, would remedy that defect and would, we doubt not, be required by the performance of good work.

All other Medical Officers are satisfied with the sufficiency of the present scale in quantity as well as in quality.

5. We recommend:

a. That the authorized scale of rations for adult Indian immigrants remain unaltered, for general use.

b. That, inasmuch as no single standard of diet will meet all cases, the Medical officer of a circle, in cases where the labour demanded be exceptionally arduous, should advise employers as to necessary additions to or changes in, the regular rations. These additions or changes should be communicated to the Protector of Immigrants and should not be substituted for the regular rations without the consent of the Indian for whom such altered scale is intended.
CHAPTER XXII.

Rations of Indentured Indian Women who do not work—Law No. 2 of 1870, ss. 12, 21, 22, and schedules "B" and "D" attached thereto; Law No. 12 of 1872, s. 8; Law No. 19 of 1874, s. 13; Law No. 14 of 1875, s. 5.

1. Questions concerning the liability of all indentured Indian women to work and that of the employers to provide rations, if they do not work, arose long ago.

2. We understand that the subject came before the "Cooie Commission" of 1870: no recommendation was made by that Commission.

3. Some Protectors of Immigrants have informed employers that indentured Indian women are not bound to work. In one instance, in 1875, upon the representation of the Protector of Immigrants, the Lieutenant-Governor, acting under the 13th section of Law No. 19 of 1874, cancelled a sentence of a Resident Magistrate whereby he imposed imprisonment on 13 Indian women who had refused to work.

4. In 1877, the Protector, Capt. McLeod, in a letter dated April 27th and addressed to the Manager of Clare Estate, said, "I beg further to inform you that you are not permitted to make women work against their will." The Manager, in his reply of May 10th, protested that the women, to whom the Protector referred, had, in India, "signed articles" to work and that "our" Magistrates had informed them that they must work.

5. Since 1877 complaints have not been very frequent. Nevertheless, from time to time, difficulties have arisen which, at the instance of the Protector, were investigated in the Courts of Resident Magistrates.

6. We find that on but few estates employers insist upon all indentured women turning out for daily labour: such women, of course, receive the rations to which they are entitled, the contract being fully enforced.

7. On some estates it is understood, as between employers and indentured women, that they, the women, are not compelled to work and that the employers are not bound to supply rations if they do not work.

8. On other estates, where indentured women are not compelled to work, they, even if they do not work, receive half the rations to which they are entitled by contract.

9. On some estates indentured women work when they please, at a daily pay of sixpence.

10. These different systems appear, on the whole, to work with tolerable smoothness. That which causes most dissatisfaction to the Indians themselves is the one whereby the employers enforce the contract against women as strictly as against men.

11. It is not difficult to discover the circumstances from which these varying systems have been evolved. On the one hand, the work which indentured women can usually perform is not so regular or valuable that employers are anxious to insist upon it. On the other, in the case of indentured women who are married, it is often absolutely necessary that they should stay at home to attend to their little children and to household duties such as cutting firewood and drawing water. Such married women frequently earn more money than they possibly could in the field, by rearing poultry and goats or by growing vegetables.

12. Cases of real hardship occasionally arise, as, for instance, when a husband is sick in hospital and the wife is kept from work in the field by the necessity of attending upon her young children at home. In one such case, as soon as the sick husband's rations were finished, his wife and little children were left absolutely without food or means of support. We fear that, in such cases, wives avoid starvation by immorality.

13. The contract, signed by emigrant men and women before embarkation in India, is usually in the form prescribed by schedule "B" attached to Law No. 2 of 1870. Section 12 of that Law defines the kind of labour to which women may be put. Sections 21 and 29 of that Law, section 8 of Law No. 12 of 1872, and section 5 of Law No. 14 of 1875, further illustrate the position in which indentured women, inter alios, are placed with reference to employers.

14. We think that indentured women, who have signed the usual contract before embarkation in India, are, in law, bound to perform the lighter varieties of labour for
which they are fitted, and that, if they refuse to perform such labour, they are liable to certain penalties. On the other hand, employers are bound to provide rations, medical care, and medicines.

15. It follows that we must pronounce the systems in force upon the majority of estates to be without warrant or sanction by law.

16. Protectors, apparently with the approval of Government, have formally instructed employers that they could not compel indentured women to work, and in the few prosecutions of employers, which Protectors have instituted, for failing to supply rations to women who do not work, Magistrates have not convicted.

17. Thus, we see that employers, the employed, Protectors, and the Government have acquiesced in arrangements which they considered beneficial to all concerned.

18. Unquestionably, the preponderance of advantage, resulting from those systems and arrangements, is in favour of the Indians, and we are convinced that they would loudly express their discontent if the law were strictly enforced. Employers, if compelled to supply rations to indentured women who do not work, would insist upon the performance of work in return. Such work would take married women from their homes, would deprive their little children of attendance, would disable them from cutting firewood, drawing water and growing vegetables, and would in other ways prevent them from adding to their husbands' earnings.

19. We are not, therefore, prepared to recommend that the law be rigidly enforced against indentured women or their employers. We would leave the varying systems to be adjusted to the varying necessities of employers and employed, confident that the Government need not be under apprehension so long as no greater discontent be expressed than at the present moment.

20. We think that employers ought to supply rations to indentured women, who do not work, in certain cases to which we refer in the next section, and that the Protector, with the sanction of the Government, should invite the attention of employers to the following recommendations. They are reasonable and will be adopted, we think, without demur.

21. We recommend that rations be supplied by employers to indentured women who do not work—

a. If the Medical Officer, in charge of an estate, certify that a woman is unable to work by reason of advanced pregnancy, suckling, or ailments peculiar to the sex.

b. If her husband be in hospital and if it be absolutely necessary that she should remain at home to attend upon her little child or children.

CHAPTER XXIII.

LABOUR.

1. We have had no complaints from Indians, employed on estates, concerning the arduous nature of the work performed by them or the number of hours allotted for labour.

2. We have no reason to think that the labour is excessive or that it has any ill effect on the health of the workers. On some estates, field task work is the rule; an active man usually completes his task by 2 p.m. and he has the rest of the day to himself.

3. We invite attention to our remarks, contained in Chapter XXIV., on Sunday labour.

CHAPTER XXIV.

SUNDAY LABOUR.—Law No. 2 of 1870, section 25.

1. Indians, intending to emigrate to Natal, receive from the Emigration Agents, at Calcutta and Madras, a notice representing the terms upon which they are enlisted for service in Natal: therein is a paragraph, "you will have to work for five years,
six days in the week, for nine hours between sunrise and sunset—all Sundays and holidays excepted."

By Law No. 2 of 1875, section 25, Sunday, Good-Friday, Christmas Day, and New Year's Day, are the days excepted.

2. So long ago as 1875 it was found that this condition, of immunity from Sunday labour, could not in all cases be strictly observed even in the coast districts. The Protector in that year, reported, "no ordinary labour is exacted on Sundays; and an extra allowance for the care of domestic animals, and for other work necessary to be done on that day, is very generally given."

3. The employment of Indian Immigrants in the upland districts has steadily increased year by year, and in those districts some labour is absolutely necessary on Sundays for the preservation of valuable stock. The Deputy Protector finds that it is now very general to give some consideration for the hour or two of Sunday work entailed by the care of domestic animals.

4. Employers now think that they ought not to be dependent on the consent of their servants for the performance of work necessary for the preservation of their property, and they ask that the law be amended and that one of the conditions, upon which emigrants from India are enlisted for service in Natal, be that they will perform, on Sundays and public holidays, such work as may be indispensable for the preservation of the property of employers.

5. We recommend:

a. That Law No. 2 of 1875, section 25, be amended.

b. That the notices be altered, at Calcutta and Madras, and that intending emigrants be informed, before final enlistment, that by the law of Natal they will be required to work, on Sundays and public holidays, for any time not exceeding 2 hours ending at 8 a.m., if such work be immediately necessary for the preservation of the property of their employers.

c. That if they consent to work, on these days, beyond the time so limited by law, they will be at liberty to stipulate with their employers for extra remuneration.

6. Two sections, drafted as below, will be sufficient for the purposes of our recommendations:

a. No Indian Immigrant engaged for field labour shall be compelled to perform any work on any Sunday or public holiday save only such as shall be of immediate necessity for the care and feeding of animals, the cleanliness of yards, styes, stables, folds, manufactories, and buildings, and other work indispensable for the preservation of the property of his employer. Such work shall not be of more than 2 hours' duration nor be continued after the hour of eight in the morning.

Provided that in every case in which work shall, at the request of the employer, be willingly performed by any servant beyond the time limited by law as mentioned above on any Sunday or public holiday, the remuneration paid for such extra labour shall be specially mentioned in the wages book.

b. Any employer, contravening the provisions of the above section, shall be liable to a penalty not exceeding two pounds on conviction, at the instance of the Protector of Immigrants, by any Resident Magistrate within whose jurisdiction the offence was committed.

Any Indian Immigrant, engaged for field labour, refusing or neglecting to perform work which he may be required to perform under the above section, shall be liable to a penalty not exceeding one pound on conviction, at the instance of the Protector of Immigrants or of the employer of such Indian Immigrant, by any Resident Magistrate within whose jurisdiction the offence was committed.
CHAPTER XXV.

INFANTICIDE.

1. This subject has engaged our attention and we have taken some evidence thereon. It will be understood that difficulty has been experienced in collecting reliable data.

2. A Medical Officer of an Indian Circle reported that abortions occurred at times and under circumstances which aroused suspicion of foul play. He has since stated that such suspicious cases have ceased.

3. We subjoin a return of deaths of children, under the age of 8 days, of free and indentured Indian parents, in the period between 1873 and 1884, both years inclusive. The return, probably, is not accurate:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Free</th>
<th>Indentured</th>
</tr>
</thead>
<tbody>
<tr>
<td>1873</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>1874</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>1875</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>1876</td>
<td>...</td>
<td>1</td>
</tr>
<tr>
<td>1877</td>
<td>...</td>
<td>1</td>
</tr>
<tr>
<td>1878</td>
<td>...</td>
<td>4</td>
</tr>
<tr>
<td>1879</td>
<td>...</td>
<td>2</td>
</tr>
<tr>
<td>1880</td>
<td>...</td>
<td>6</td>
</tr>
<tr>
<td>1881</td>
<td>...</td>
<td>6</td>
</tr>
<tr>
<td>1882</td>
<td>...</td>
<td>5</td>
</tr>
<tr>
<td>1883</td>
<td>...</td>
<td>12</td>
</tr>
<tr>
<td>1884</td>
<td>...</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Free</td>
<td>Indentured</td>
</tr>
<tr>
<td></td>
<td>63</td>
<td>81</td>
</tr>
</tbody>
</table>

4. We report that there is no reliable evidence before us that the crime of infanticide is prevalent amongst the Indian immigrants of Natal.

CHAPTER XXVI.

BILHARZIA HæMATOBLA.

1. Statistics and information on this subject are given in Appendix D.

2. There is no satisfactory evidence before us as to the origin of the disease ("hematuria") from which Indians suffer in various localities. One theory is that the ova of the parasite, Bilharzia hematobia, are introduced into the human system by impure drinking water. Some doctors are of opinion that the parasite gains access to the body when impure water from streams is used for bathing purposes.

3. We submitted to the examination of Dr. James Allen four bottles of water drawn by us from the vacuum-pan reservoir at the Equefis Estate and from the river flowing through that estate. He reported, after very careful microscopical examination, that he was unable to discover, in that water, the ova of bilharzia hematobia.

CHAPTER XXVII.

VACCINATION.—LAW, No. 3 of 1882, Section 25.

1. The practice of vaccination was made compulsory by Law, No. 3 of 1882.

2. The Auditor has recently submitted to the Government his opinions concerning the payment of vaccination fees to medical officers of Indian circles. He contends that the Medical Officer, appointed for each Indian circle, ought to vaccinate, without fee, all indentured Indians and their families, and all free Indians and their families, who are employed by planters on estates within his circle. With respect
to Indian Immigrants other than the above, i.e., free Indians not working on estates for planters, the Auditor thinks that the fees for vaccinating them and their families should be paid to the Medical Officers from the medical fund and not from the general revenue.

3. We find that by section 32, sub-section 6, of this Vaccination Law, every medical officer, appointed under the provisions of Law 12 of 1872 and Law No. 14 of 1875, is ex officio District Vaccinator of Indians living within the medical circle for which he is appointed. Section 25 authorizes the Colonial Treasurer to pay, to any District Vaccinator, a fee of 2s. 6d. for every successful case of vaccination reported to the Registrar of Vaccination, or other officer duly appointed, on the certificate of the said Registrar or such other officer.

By sub-section 9 of section 39 the Protector of Immigrants is substituted, in the case of Indian Immigrants, for the Registrar of births and deaths.

Under section 26 a District Vaccinator is not entitled to payment of the fee for any vaccination in respect of which he shall have been paid by the person for whom or on whom it was performed.

4. Since this law became operative the Treasurer has paid, on certificates signed by the Protector of Immigrants, the fee of 2s. 6d. for successful vaccinations, performed by medical officers of Indian circles and duly reported to the Protector. The money thus paid amounted, to August 3rd, 1886, to £343 15s., a sum representing 2,753 fees. The Protector has registered successful vaccinations in each year, thus:

<table>
<thead>
<tr>
<th>Year</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1882</td>
<td>1,240</td>
</tr>
<tr>
<td>1883</td>
<td>1,141</td>
</tr>
<tr>
<td>1884</td>
<td>611</td>
</tr>
<tr>
<td>1885</td>
<td>283</td>
</tr>
<tr>
<td>To June 30th, 1886</td>
<td>321</td>
</tr>
<tr>
<td></td>
<td>3,576</td>
</tr>
</tbody>
</table>

It follows that in 826 cases of successful vaccination no payment has been made by the Treasurer. We possess no further information concerning these 826 cases.

5. We have considered (a) whether past payments have been rightly made, (b) whether it is desirable that the law should be amended in the directions indicated by the Auditor's remarks.

6. We think that the employer of indentured and free Indians, for each of whom he contributes one shilling monthly to the medical fund, ought to be absolved, in every case, from liability to pay the vaccination fee of 2s. 6d.

7. There is some force in the contention that the medical officer of each circle is paid, by his annual salary, for attendance on all indentured and free Indians working on estates within his circle, and that, as the law has rendered vaccination compulsory in the case of such Indians, he ought to perform vaccination on them and their families free of charge.

We must, however, bear in mind that this law was passed in the interests of the whole community, and that the benefits, which it seeks to secure, are of the very highest importance. It is not, therefore, desirable to place upon the law, as it now exists, any construction which may tend to defeat the attainment of that end which it desiderates.

In England, fees for successful vaccination are paid from public funds, and a bonus system stimulates medical men to exercise the greatest skill and care in these operations.

8. This question of payment for vaccination is, really, one of contract between the Government and the medical officers of the Indian circles. We think that, in the absence of any special agreement, past payments by the Treasurer have been made in terms of the law and as equity demands, and that, as to future payments, it is not advisable to change the practice or to alter the law.

9. With respect to free Indians not working on estates, they do not, in fact, contribute to the medical fund. It appears to us that it would not be just to charge fees for vaccinating them and their families against a fund which, in theory, belongs to contributors only. We think that, in their case also, vaccination fees should be paid from the general revenue.
10. It is now nearly 3 years since the free Indians of the Stanger circle were vaccinated, and a considerable number of children, of free and indentured parents, now await vaccination. The medical officers of that circle and of the Verulam circle have asked for instructions, and we recommend that they, and the medical officers of the other circles, be informed that for every successful case of vaccination, whether of indentured or free Indian, payment will be made, as hitherto, by the Colonial Treasurer.

CHAPTER XXVIII.

INSANITY.—Law, No. 1 of 1888.

1. Law No. 1 of 1888, which provides for the safe custody of persons dangerously insane and for the care and custody of persons of unsound mind, affects Indian Immigrants in precisely the same way as other sections of the community. Its provisions are humane and contain ample safeguards against abuse of power by medical men, keepers of asylums or by any other persons in authority.

We do not suggest any amendment of this law.

2. The Lunatic Asylum at Pietermaritzburg, to which insane persons are sent from all parts of the Colony, is a fine, brick building situated on a hill about one mile north-west of the city, in well-kept grounds, 50 acres in extent, commanding a beautiful view of the city and its suburbs. Female patients are housed in a separate block.

In the period between September 15th, 1879, and July 17th, 1886, 42 Indian Immigrants, of whom 8 were females, have been admitted for treatment. Of that number 10 have died, 17 have been discharged as cured, and 15 are still inmates of the Asylum: 2 of these 15 patients, of whom 14 are males, were admitted in 1870, 1 in 1875, 1 in 1877, 1 in 1878, 1 in 1881, 3 in 1882, 4 in 1885, and 2 in 1886.

4. The surgeon in charge is of opinion that the present Indian inmates of the Asylum represent only a small proportion of the insane Indian population of the Colony, and we think that his opinion is well founded. In the locations of free Indians are, probably, many persons whose mental condition, if reported and if complaint were made by any relative or other friend, would necessitate removal to the Lunatic Asylum.

5. We carefully inspected all the arrangements of the institution, and we now record, with great satisfaction, that under the care of Dr. Hyslop, who assumed charge in 1882, the comfort and welfare of the afflicted inmates are sought to be secured by all means which ability and experience can suggest.

6. The following table of statistics deserves consideration; the numbers, however, probably represent only a small proportion of the insane white and Kaffir population of the Colony.

In 6½ years 77 patients have been furnished by a white population now numbering 36,000, 62 by a Kaffir population now amounting to 370,000, and 26 by an Indian population now estimated at 90,000.

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European, Kaffir, and Indian Patients, admitted from 1st January, 1880, to 31st June, 1886.

<table>
<thead>
<tr>
<th></th>
<th>European or White Patients</th>
<th>Kaffir and South African Aboriginal Patients</th>
<th>Indian Immigrant Patients</th>
</tr>
</thead>
<tbody>
<tr>
<td>1880</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>1881</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1882</td>
<td>9</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>1883</td>
<td>12</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>1884</td>
<td>6</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>1885</td>
<td>10</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>1st. Jan. to June 30th, 1886</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Totals</td>
<td>50</td>
<td>27</td>
<td>77</td>
</tr>
</tbody>
</table>
CHAPTER XXIX.

LEPROSY.

1. There are lepers amongst our Indian immigrants. A Commission, specially appointed to enquire into the subject of leprosy as affecting the whole Colony, recently made its report, to which we invite attention: it is annexed in Appendix B.

2. We are content to recommend that care be taken in inspecting new arrivals from India.

CHAPTER XXX.

HABITATIONS.

1. Indian habitations may be divided into three classes: 1, barracks solidly built of masonry and roofed with iron; 2, lines constructed of corrugated iron; 3, grass huts.

2. Examples of the first class are those tenanted by the Indians employed by the Corporation of Durban. We found similar barracks on some of the estates.

3. On some estates we saw lines constructed of corrugated iron; the Indians prefer them to the more elaborate buildings of stone.

4. Grass huts were numerous on estates. Indians are quite content to live in them and choose them before every other kind of habitation. In them they find more privacy than in long ranges of rooms with slender partitions, and the greater warmth is much appreciated. This was well exemplified at the Corporation barracks at Durban, where we observed that good rooms had been vacated and that their late occupants had constructed grass huts and shanties wherein they were most contentedly living. If grass huts be erected with care and made impervious to rain, we find no objection to their use save on the score of insufficiency of ventilation and light: the latter, usually, is supplied by the open door. There is considerable danger of destruction by fire, but, even in the lines of corrugated iron, such danger is not wholly absent inasmuch as the partitions between the rooms are of wood, quantities of firewood are stored in every room under the sleeping cots, and, lastly, fires are made on the floor for want of fireplaces. The rooms in such lines have no chimneys and the smoke from the fires on the floors fills every apartment, blackens the walls and roof, and must be unpleasant, if not hurtful, to the inmates.

Detached huts are advantageous in the event of outbreak of contagious or infectious diseases: they are easily isolated.

5. The Railway barracks, at Durban, at the Central Station and at the Point, are bad: they should be condemned for their faulty arrangements and construction. We think that new lines should be erected on better sites and on approved principles, with as little delay as possible.

6. On estates there has been much disregard of sanitary teaching in the erection of huts and lines. Little or no respect has been paid to the very important item of superficial area, and this defect has often resulted in the overcrowding of inmates. Further, we frequently observed that the level of the floor of a hut was below that of the ground outside and that there was no provision for carrying off rain water. Thus, the floors were damp, and notably so in one instance where the surface water was conveyed, by a rudely-made drain, under the floor of the hut. For huts situated on a declivity a deep catch-water drain at the back is needed. We consider that such localities are most undesirable sites for huts or lines, if a stream be near, as the defilement, which usually abounds in the vicinity of Indian habitations, is washed down by heavy rains into such stream.

7. Privacy.

We regret to observe that too little regard is paid to this very essential requisite towards purity of life. There is a general huddling together of the sexes, of all ages, much to be deplored. The Indians themselves have in no instance complained to us about such matters, and, indeed, it is manifest to us that to their own habits and customs, and not to the apathy of employers, must chiefly be attri-
but the disregard of decency to which we refer. We must not forget that the major portion of our indentured immigrants come from the poorest and most uneducated classes of India.

2. We record, with satisfaction, the fact that estate owners and managers are liberal in allotting plots of ground, near the huts, for gardens, wherein the Indians grow vegetables and fruit in abundance.

3. We recommend:

a. That the sites for huts and lines be carefully selected, with reference to drainage, and that every endeavour be used to prevent depositing matter being washed into streams or watercourses.

b. That men of the lowest caste be induced to undertake the work of sweeping and collecting rubbish and human excreta in the vicinity of huts and lines which are not provided with latrines.

c. That the Medical Officer in charge of an estate or of the Railway hospital do inspect, from time to time, the lines, huts or barracks, and that he do record in his visit book their condition as to cleanliness and sanitary arrangements.

d. That in the vicinity of barracks, lines or huts, inhabited by Indians, latrines be erected and that the Indians be encouraged to resort thereto.

e. That the Indians be not permitted to store firewood inside huts or rooms in barracks.

f. That they be not permitted to keep poultry or goats, in pens or otherwise, inside huts or rooms in barracks.

CHAPTER XXXI

WATER SUPPLY.

1. On estates water is obtained, for all purposes, from streams, their smaller tributaries, and wells.

At Central Hospitals good drinking water is procured by storing, in tanks, rain water collected from the iron roofs.

At Prisons water is supplied from wells, tanks, and streams or rivers in the near neighbourhood.

2. Three principles ought to be kept in view in procuring a water supply. They are (1) purity, (2) abundance, (3) facility for use.

3. Purity.

Personal observation justifies us in saying that, on many estates, the water used by Indians, for drinking and culinary purposes, is fouled by pollution of the vilest description.

It is the habit of Indians, in their own country, to resort to the nearest stream or watercourse to obey calls of nature, and to this filthy custom they steadfastly adhere in Natal. The dry beds, istets and banks of streams, and the adjacent ground, were invariably found by us to be thickly covered with human excreta and to present a disgusting sight. Such localities are appropriated as a general latrine by Indians living in the neighbourhood. From the natural drainage of the country, such masses of human ordure are washed by heavy rains into the nearest stream. On one estate personal ablution and clothes-washing were in full operation, at the time of our visit, at a reservoir which was the chief source of water supply.

4. Abundance.

Except at the Avoca Central Hospital, the water supplied to Indians, for drinking and domestic purposes, appeared to us to be sufficient in quantity. The
owners and managers of estates have done their best to keep up the supply, in the dry season of the year, by storing water in reservoirs and by wells.

As to the Avoca Central Hospital, we had evidence, as we have observed in our report on the Pollution of Streams, chapter VII, section 39, that there had been a deficiency of good drinking water as collected from the roofs. This grave defect had been represented, on more than one occasion, to the Protector of Immigrants, who replied that water must be taken from the stream which runs in immediate proximity to that hospital. The water of that stream was considered to be unfit for drinking, and members of our Commission, on personal inspection, were of the same opinion. The water was in stagnant pools, covered with green slime, and contained much decomposing vegetable matter. One person, who had been in the habit of bathing in that water at the foot of the hospital hill, was suffering from Bilharzia Haematobium: the entozoa, probably, had gained access to his body when he was so bathing. The use of such polluted water for hospital purposes afforded a bad example to the owners and managers of estates.

5. Facility for use.

On many estates, but notably on one, shallow wells were situated near the lines inhabited by the Indian labourers. Apart from the universal experience that wells in the vicinity of crowded dwellings are dangerous from their liability to contamination, risk is reduced to a certainty in the case of such wells on estates. These shallow wells are mere excavations in the earth (1) by the side of a stream, or (2) ditch, or (3) on the side of a hill where they intercept the drainage of the subsoil towards a watercourse. Above many of these wells are huts, crowded with Indian inmates, in the vicinity of which we observed much human excrement and dirt of every kind. The natural drainage from these huts was towards the wells, which, being totally unprotected at their mouths and flush with the surface of the ground, must act as catch-pits for impurities washed down by heavy rains. From their construction such wells are further liable to pollution by reason of rain draining through the soil charged with organic matter.

6. Latrines have been in use, for many years, in the bazaars of great cities in India and Ceylon, and Indians resort to them in Pietermaritzburg and Durban. We are not aware of any objection to their use, here or elsewhere, by reason of caste.

7. The danger attending the use of water from such wells may be gathered from the report of the analyst on the water carefully drawn, under our instructions, from the wells on the Equeca Estate. That report is contained in Chapter V., section 22.

8. We recommend:

a. That, when a supply of pure water be difficult to obtain, deep wells be sunk in clean collecting areas.

b. That such wells be deep enough to tap the low water-bearing strata, that they be lined with masonry to a depth sufficient to prevent sub-soil soaking, and that they be protected against impurities, washed down by rains, by a coping at their mouths.

c. That owners and managers of estates be requested to build latrines in the vicinity of Indian barracks and sugar mills, and to encourage their Indian servants to resort thereto.

CHAPTER XXXII.

GRASS FIRES.—Law, No. 21 of 1865.

1. This law, to prevent the indiscriminate burning of grass, was passed at a time when the area of land under sugar cultivation was much less extensive than it is now. At that time there were no free Indians holding lands on leases, whereas now there are numerous locations of such men in close proximity to most valuable sugar estates. They are, usually, cultivators of small parcels of land held on short leases, and a civil judgment, obtained under the 7th section of the law, would be useless in the majority of cases by reason of the poverty of the Indians against whom it was recorded.

2. We think that the altered circumstances of the coast districts justify an amend-
3. Clause 10 of that report is, in our opinion, open to grave objections: its words are, "no person shall erect a building of grass, trash, or other inflammable material within 50 yards of the boundary line of a sugar estate without the permission of the owner or manager of the adjoining property." We gather, from further papers before us, that it is desired to extend this limit of 50 yards to 100 yards if the land, on which any person may wish to erect such buildings, lie to the north-west of a sugar estate; the justification for this increased limit appears to be that hot winds blow from the north-west and, during their prevalence, accidents from fire are more probable.

We do not lose sight of the fact that, in towns under the Municipal Corporations Law, No. 19 of 1872, by-laws prohibit the erection of thatched buildings within municipal limits, or of the further fact that insurance companies decline to accept the risks of loss by fire in sugar-cane fields.

We observe, however, that this 10th clause involves a grave interference with the rights of land owners and their lessees. By it the owner or manager of a sugar estate might prevent an adjoining owner from erecting, on his own land, a hut of that kind which his Kaffir and Indian labourers prefer as a habitation and which our enquiries have demonstrated to be as healthy as those of a more elaborate construction. Secondly, free Indians who are now numbered by thousands, who were described in the Protector's report for 1832 as having almost entirely in their hands the growing of maize, tobacco, and garden produce in the coast districts, would find difficulty in complying with the clause. Their holdings are of small extent, often sub-let into minute plots, and on these, if within 50 or 100 yards of a sugar estate, the cultivators could not erect one of their simple huts, if the owner or manager of the adjoining estate should object. If this 10th clause should become law, it would, in fact, penalize the cultivation of numerous garden lands in the coast districts by the cost of expensive dwellings distasteful or unsuited to the occupiers, and would deter free Indians from engaging in those industries from which this Colony has hitherto derived exceeding benefit. Thirdly, we think that sugar planters might secure, by other means, as much immunity from the danger of fires as this harsh 10th clause could reasonably be expected to confer. Thus, they might abstain from planting sugar cane to the full extent of their boundaries, reserving a sufficient strip of land which ought at all times, and especially during the prevalence of hot winds, to be kept free from long grass and inflammable matter.

4. In the upland districts many calamitous "grass fires" have occurred during the last three or four years; Bishopstowe fell a victim to a rushing fire which is said to have travelled from a distance of many miles.

5. In the interests of the whole Colony we recommend that the Law No. 21 of 1865 be amended thus:

a. In section 1, the words "rubbish, bagasse, trash, and other inflammable matter" should follow the word "grass."

b. In section 1, after the words "shall be liable to a fine not exceeding ten pounds sterling" should be inserted "or to imprisonment, with or without hard labour, for a period not exceeding 9 months."

c. In section 2, the words "rubbish, bagasse, trash, and other inflammable matter" should follow the word "grass."

d. Additional sections should be framed, embodying the provisions of the 8th and 9th clauses of the report of the Committee of the Victoria Planters' Association, with the substitution of the words "within 50 yards of the boundary of any sugar or tea estate or cultivated land" for the words "adjoining any estate."
CHAPTER XXXIII.

Indian Immigration Department.—Expenditure in Salaries.

1. We invite attention to the subjoined list of officers of the Indian Immigration Department in 1885:—

<table>
<thead>
<tr>
<th>Officer</th>
<th>Creation of Office</th>
<th>Yearly Salary</th>
<th>Salary drawn in 1885</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protector of Immigrants</td>
<td>1860</td>
<td>500 0 0</td>
<td>500 0 0</td>
</tr>
<tr>
<td>Assistant Protector*</td>
<td>1874</td>
<td>250 0 0</td>
<td>250 0 0</td>
</tr>
<tr>
<td>Corresponding and General Clerk</td>
<td>1883</td>
<td>250 0 0</td>
<td>250 0 0</td>
</tr>
<tr>
<td>Accountant</td>
<td>1888</td>
<td>200 0 0</td>
<td>200 0 0</td>
</tr>
<tr>
<td>Clerk and Interpreter</td>
<td>1874</td>
<td>175 0 0</td>
<td>158 15 0</td>
</tr>
<tr>
<td>Medical Clerk†</td>
<td>1885</td>
<td></td>
<td>100 16 9</td>
</tr>
<tr>
<td>Clerk and Interpreter</td>
<td>1874</td>
<td>120 0 0</td>
<td>120 0 0</td>
</tr>
<tr>
<td>Messenger</td>
<td>1869</td>
<td>48 0 0</td>
<td>48 0 0</td>
</tr>
<tr>
<td>Interpreter</td>
<td>1884</td>
<td>42 0 0</td>
<td>42 0 0</td>
</tr>
<tr>
<td>Copyist</td>
<td>1884</td>
<td>24 0 0</td>
<td>24 0 0</td>
</tr>
<tr>
<td>Messenger</td>
<td>1874</td>
<td>18 0 0</td>
<td>18 0 0</td>
</tr>
</tbody>
</table>

The above form the staff at the Durban Office...

Deputy Protector                | 1882               | 400 0 0       | 400 0 0              |
Interpreter                     | 1882               | 60 0 0        | 60 0 0               |
Clerk and Constable             | 1882               | 84 0 0        | 84 0 0               |

Total                           |                    |               | 524 0 0              |

Durban Depot:
Officer in Charge               | 1860               | 168 0 0       | 168 0 0              |
Cook, Topaz, Nurse              |                    |               | 30 0 0               |

Total                           |                    |               | 198 0 0              |

Total                           |                    |               | £2,433 11 0          |

2. It is not advisable to reduce the salary of the officer in charge of the Depot at Durban.

3. The yearly salaries of the staff at the Protector’s office at Durban amount to £1,711 11s. 9d. We think that it is unnecessarily large: it includes three Interpreters, three Clerks, and an Accountant.

We recommend that the work of the Corresponding and General Clerk be added to that performed by one of the other officers, and that, by economy in other directions, a yearly sum of £500 be saved in salaries. We have elsewhere expressed our opinion that the Protector should be able to speak either the Tamil or Hindustani language: the Deputy Protector also should possess the same qualification.

CHAPTER XXXIV.

Indian Immigration Trust Board.

We recommend:

1. That the constitution of this Board be amended by the addition of one unofficial member representing the employers of Indian Immigrant labourers in the upland districts.

2. That the Auditor of the Colony do not sit as an ordinary member of the Board.

In 1886 this officer was a member, taking an active part in the business of the

* This officer is also Secretary to Trust Board.
† The salary of this officer is paid from the Medical Fund.
CHAPTER XXXV.

Medical Fund and Medical Circles.

We recommend:

1. That the fee of one shilling now paid monthly by employers, for every male adult Indian Immigrant, to the Medical fund, be reduced.

2. That any employer of Indian Immigrant labourers, and employers of such labourers on contiguous or neighbouring estates who may wish to combine for the purpose of providing medical aid for their labourers, be permitted to arrange for the employment of a medical officer whose time shall be entirely at the disposal of such employer or employers with reference to attendance upon the Indian labourers employed by him or by them.

3. That the terms of such arrangement and the name of the medical officer, nominated by such employer or employers, be submitted to the Governor in Council, and that it be within the discretion of the Governor, in Council aforesaid, to allow or to reject such arrangement.

4. That, if such arrangement be sanctioned, the medical officer so nominated and appointed shall obey all orders, and shall comply with all rules and regulations, framed and issued by the Governor acting under powers conferred upon him by law, so far as they apply to the medical requirements of the estate or estates in charge of the said medical officer.

5. That, if such arrangement be sanctioned, such employer or employers shall forthwith be freed from liability to contribute monthly to the Medical fund.

6. That it shall be in the power of the Governor in Council to bring back within the operation of the rules and regulations concerning Medical Circles any estate or estates, as to which he may be satisfied that the special medical arrangement, sanctioned as aforesaid, works inefficiently or to the prejudice of the Indian Immigrant labourers employed on such estate or estates.

7. That a medical officer be appointed, with the title of “Chief Medical Officer,” whose duty shall be to supervise the work of all medical officers of Indian circles and those otherwise in medical charge of estates wherein Indian Immigrant labourers are employed.

8. That the Chief Medical Officer shall make quarterly reports to the Indian Immigration Trust Board which, subject to a reference, if desired by the Chief Medical Officer, to the Governor in Council, shall control and direct such officer.

9. That the Indian Immigration Trust Board shall have no control or authority over the Chief Medical Officer in his capacity as Sanitary Inspector in connection with the pollution of rivers and streams, to which we refer in Chapter VII.

10. That such Chief Medical Officer shall not be controlled by, nor be bound to carry out any orders or suggestions of, the Protector of Immigrants.

CHAPTER XXXVI.

Sections 26, 27, 28, 29 and 30 of Law No. 2 of 1870, with connected clauses of other Laws, amended and amplified.

1. It shall be lawful for every person entitled to the services of any Indian Immigrant, or for any servant of such person, or for any constable, to apprehend without a warrant such Immigrant being found at a distance of more than one mile from the residence of the person in respect of whom his services shall be due, without
a written ticket of leave, signed by the master or by some person duly authorized by him, and to cause such Immigrant to be taken back to such residence,

It shall be lawful for such master or employer to deduct the costs of such Immigrant's return from the wages then due, or which may thereafter become due, to the Immigrant.

Provided that every Indian Immigrant shall be free from such arrest if, when so found, he shall be on his way to lodge any complaint before the Resident Magistrate of the district wherein his place of service is situated. If the said Magistrate shall be of opinion that the complaint is frivolous or vexatious, or without just cause, the costs of the Immigrant's return from the Court of the Resident Magistrate to the residence of the master or employer shall be paid by such master or employer, who is hereby authorized to deduct the amounts of such costs from the wages then due, or which may thereafter become due, to such Immigrant.

Provided, always, that it shall not be lawful for any master or employer, deducting the costs to which this section refers, to retain in any one month more than one-half of the monthly wages to which the Immigrant is by law entitled.

2. It shall be lawful for the Protector of Immigrants or any Resident Magistrate or Justice of the Peace or any police constable to stop any Indian Immigrant wherever he may find him, and also for the owner or occupier of any owner or occupier of any land or house to stop any such Immigrant found upon or about such land or house, and, if such Immigrant being so required shall fail to produce his certificate of residence, or a certificate of discharge, or a written ticket of leave signed by his master or by some person duly authorized by him to whom his services may be due save in the exceptional circumstances contemplated by the first provision of the preceding section, to take such Immigrant forthwith before the nearest Resident Magistrate who shall forthwith enquire into the case. Unless such Immigrant shall satisfy such Resident Magistrate that he has obtained his discharge or that he is absent from the estate or residence of the person in respect of whom his services shall be due with the leave of his master or the manager or other person in charge of such estate, then and in such case, for a first offence, such Immigrant shall be punishable by the Resident Magistrate aforesaid by a fine not exceeding ten shillings or by imprisonment with hard labour for any term not exceeding seven days, and, for a second offence, by imprisonment with hard labour for any term not exceeding fourteen days, and, for every subsequent offence, by imprisonment with hard labour for any term not exceeding thirty days. It shall be the duty of such Resident Magistrate to communicate to the master or employer of any Immigrant so punished the fact of the imposition of a fine or of the committal to prison, with the date on which such fine was imposed or on which the term of imprisonment was awarded, and after payment of such fine or at the expiration of the term of imprisonment, should such master or employer not claim the immigrant, the said Resident Magistrate shall forward the Immigrant to his master or employer. The costs of such return shall be paid to the Resident Magistrate by the master or employer, who is hereby authorized to deduct the amount of such costs from the wages then due, or which may thereafter become due, to such Immigrant. Provided that it shall be lawful for the Resident Magistrate, if he be unable to ascertain such master or employer, to forward the Immigrant to the Protector or Deputy Protector for identification, and the total costs incurred in such return shall be paid by the master or employer, who is hereby authorized to deduct the amount from the wages then due, or which may thereafter become due, to such Immigrant.

3. When any Indian Immigrant shall have been thrice convicted for the offence of absence from his master's service without a written ticket of leave as contemplated by the preceding section, it shall not appear to whom such Immigrant's services are legally due under assignment, it shall be lawful for the Protector of Immigrants to assign the services of such Immigrant to any person who shall be willing to accept and pay the charges of such assignment; and if no person shall accept such assignment within ten days from the release of such Immigrant from prison, the Protector shall assign the services of such Immigrant to the Colonial Government for employment in any public works: Provided always that on every such case of re-assignment, the Protector shall, when it can be ascertained to whom such Immigrant was originally assigned, pay to such original employer the sums paid by him consequent upon the original assignment of such Immigrant, less the sum of five shillings per month for each month such Immigrant served such original employer, and provided that, after such re-assignment, the original employer shall not be liable for any instalment of payment accruing after such re-assignment. Provided, further, that, in case the original employer shall elect, he may call upon the Protector to cancel such second assignment
and to restore to him the services of such Immigrant, and such Immigrant shall be compelled to render such original employer actual service for the time he was originally assigned, and the person to whom such Immigrant was re-assigned, when such re-assignement shall be cancelled, shall be entitled to have repaid to him by the Protector such sum as he may have paid on such second assignment, minus the sum of five shillings per month for each month such Immigrant shall have served such second employer.

4. Every Indian Immigrant who shall unlawfully absent himself from work shall forfeit, in addition to losing all claim to wages and allowances during such absence, a uniform amount of one shilling per diem if a male, and sixpence per diem if a female, for each day's absence, and such sum may be retained by the employer from any wages which may be due by him to such Immigrant or which may become due thereafter: Provided that such forfeiture shall not in any one month exceed the amount of wages for such month due to the Immigrant upon whom such forfeiture is imposed, and that it shall not be levied in respect of Sundays and public holidays save as required by the Law providing for the performance, on Sundays and public holidays, of work immediately necessary for the preservation of the employer's property: Provided, further, that in the event of a complaint being made by such Immigrant on account of the non-payment of wages so retained before a Resident Magistrate of the District wherein such Immigrant's place of service is situated, the employer shall be bound to justify such retention to the satisfaction of the said Resident Magistrate. Provided, thirdly, that no such unlawfully absent absence exceed twenty-five days in any one year, the employer may claim, in lieu of such period of absence or any portion thereof, a prolongation of the contract for a period equivalent to two days for so many several days of such unlawful absence as shall not have subjected such Immigrant to the forfeiture aforesaid: during such prolongation of the contract the Immigrant shall receive wages at the same rate and allowances on the same daily scale as he would have been entitled to during the period of unlawful absence which shall have occasioned such prolongation of the contract.

5. No Indian Immigrant shall be deemed to be unlawfully absent from work within the meaning of the foregoing section, if it shall appear by a certificate, signed by a duly qualified medical practitioner, that the absence from work was occasioned by incapacity, resulting from sickness, or bodily infirmity, not caused by his or her own act, or if special circumstances, sufficient to justify such absence, shall be shown to the satisfaction of the aforesaid Resident Magistrate. Provided that every Immigrant during absence from work by reason of sickness or bodily infirmity, not caused by his or her own act, shall be supplied by his or her employer with food, shelter, and, except when otherwise provided, with medical attendance and medicine, but shall be liable in respect of such absence from work through sickness or bodily infirmity to a deduction from his or her wages, for every day of such absence, at the rate of fourpence per diem during the first and second years of indenture, and sixpence per diem during the third, fourth, and fifth years of indenture.

6. Any Indian Immigrant who, being in good health and able to work, shall absent himself from muster or roll-call without leave, or who shall neglect to perform any work which his employer, or person duly authorized by him, may reasonably order him to perform, or who shall, without just cause, wilfully disobey the orders of his employer, or person duly authorized by him, shall be deemed to be guilty of misconduct and shall be punishable, in addition to the forfeitures specified in the fourth section for unlawful absence from work, by the Resident Magistrate of the district wherein his place of service is situated, by imprisonment, with or without hard labour, for any term not exceeding seven days for the first offence, by imprisonment with hard labour for any term not exceeding fourteen days for the second offence, and for every subsequent offence by imprisonment with hard labour for a term not exceeding 30 days, with spare diet, if the Resident Magistrate shall so adjudge, for any portion not exceeding one-third of such last mentioned term of imprisonment.

7. Any Indian Immigrant, who shall be grossly insolent to his employer, or who shall practise any fraud or deception in the performance of any work which he is bound to perform, or who shall, by negligence or other improper conduct, lose, throw away or damage the property of his employer, shall be punishable by the Resident Magistrate of the district, wherein his place of service is situated, by fine not exceeding five pounds or by imprisonment with hard labour for any term not exceeding thirty days.

8. Any Indian Immigrant who may be found guilty a second time of any offence specified in the foregoing section, or who shall endanger the property of his employer
by the careless use of fire, or who shall wilfully maim, wound, or cruelly ill-use any live stock or cattle belonging to his employer or entrusted to such employer's care, or who by negligence shall suffer any such live stock or cattle to be maimed, wounded or cruelly ill-used, shall be punished, on conviction before any Resident Magistrate of the district wherein his place of service is situated or wherein the offence was committed, by imprisonment with hard labour for any term not exceeding three months, with spare diet, if such Resident Magistrate shall so adjudge, for any portion not exceeding one-third of such term. Provided that nothing herein contained shall be a bar to the prosecution before the Supreme or Circuit Court under the common law of the Colony, if the Attorney-General so direct, of any Indian Immigrant accused of wilfully maiming, wounding or cruelly ill-using any live stock or cattle belonging to his employer, or entrusted to such employer's care, or accused of aiding and abetting any wilful maiming, wounding or cruelly ill-using such live stock or cattle.

CHAPTER XXXVII.
CONsolidation of Laws.

1. It is a matter of some difficulty, even for persons not without knowledge of legal intricacies, to ascertain with accuracy the position occupied by employers with respect to their Indian servants. We think that, in the interests of all concerned, the various laws, under which immigrants have been introduced into Natal from India, should be consolidated.

2. We recommend such consolidation, with the amendments suggested by us in our report.

CHAPTER XXXVIII.
Indian Immigrant Population of Natal.

1. Emigration from India to Natal commenced, under Law No. 14 of 1859, in 1860, the first immigrants landing on November 17th of that year. It continued until 1866, and then totally ceased. In 1874 it recommenced, 3,708 immigrants arriving on June 26th: at the date of such recommencement, there were no Indians in Natal save those whose periods of indentured service had expired.

2. There are not sufficient data, of a reliable nature, from which the Indian immigrant population can be accurately ascertained at the close of each year from 1860 to 1871. Probably, 5,000 immigrants, adults and children, were resident within the Colony in 1870 and 1871.

3. At the end of 1872 the total Indian immigrant population was estimated to be 5,393.

In 1873 and 1874 there is again a failure of satisfactory information: we may take, approximately, 5,500 as the number on December 31st, 1874.

4. In the following table is given, as accurately as can be ascertained, the total Indian immigrant population at the end of each year since 1874:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1875</td>
<td>...</td>
</tr>
<tr>
<td>1876</td>
<td>...</td>
</tr>
<tr>
<td>1877</td>
<td>...</td>
</tr>
<tr>
<td>1878</td>
<td>...</td>
</tr>
<tr>
<td>1879</td>
<td>...</td>
</tr>
<tr>
<td>1880</td>
<td>...</td>
</tr>
<tr>
<td>1881</td>
<td>...</td>
</tr>
<tr>
<td>1882</td>
<td>...</td>
</tr>
<tr>
<td>1883</td>
<td>...</td>
</tr>
<tr>
<td>1884</td>
<td>...</td>
</tr>
<tr>
<td>1885</td>
<td>...</td>
</tr>
<tr>
<td>1886</td>
<td>...</td>
</tr>
</tbody>
</table>

On June 30th, 1886:

On December 31st, 1886:
5. With reference to the total population, 30,159, at the end of 1885, the following statistics are of interest:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrived...</td>
<td>21,662</td>
<td>8,386</td>
<td>2,485</td>
<td>2,049</td>
<td>34,582</td>
</tr>
<tr>
<td>Died in Natal</td>
<td>2,057</td>
<td>728</td>
<td>162</td>
<td>146</td>
<td>3,083</td>
</tr>
<tr>
<td>Returned to India</td>
<td>1,952</td>
<td>620</td>
<td>141</td>
<td>106</td>
<td>3,829</td>
</tr>
<tr>
<td>Left Natal, otherwise</td>
<td>1,443</td>
<td>177</td>
<td>74</td>
<td>22</td>
<td>2,826</td>
</tr>
<tr>
<td></td>
<td>5,452</td>
<td>1,525</td>
<td>377</td>
<td>274</td>
<td>7,628</td>
</tr>
<tr>
<td>Of total arrivals there were in Natal on December 31st, 1885</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>26,954</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Born in Natal</td>
<td>2,464</td>
<td>2,438</td>
<td>4,902</td>
</tr>
<tr>
<td>Died in Natal</td>
<td>460</td>
<td>427</td>
<td></td>
</tr>
<tr>
<td>Returned with parents to India</td>
<td>375</td>
<td>360</td>
<td></td>
</tr>
<tr>
<td>Left Natal with parents, otherwise</td>
<td>45</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td></td>
<td>880</td>
<td>817</td>
<td>1,697</td>
</tr>
<tr>
<td>Of total born in Natal remained on December 31st, 1885</td>
<td>...</td>
<td>...</td>
<td>3,205</td>
</tr>
</tbody>
</table>

Total number in Natal on December 31st, 1885 = 26,954 + 3,205 = 30,159.

6. The proportion of females to males on December 31st, 1885, was as under:

| Men introduced from India | ... | 16,210 |
| Women                   | ... | 6,861  |
| Boys                    | ... | 2,108  |
| Girls                   | ... | 1,775  |
| Born in Natal           | ... | 1,584  |
|                         |    | 19,902 |
|                         |    | 10,257 |

7. In this section, and in sections 8-12, we give details of the total Indian immigrant population, 29,828, on June 30th, 1886:

| Estimated number in Natal on December 31st, 1885 | ... | 30,159 |
| Arrived during 1886 to June 30th                | ... | 5      |
| Born in Natal                                   | ... | 359    |
|                                              |    | 364    |
| Died in Natal during 1886 to June 30th          | ... | 184    |
| Left Natal                                      | ... | 511    |
|                                              |    | 695    |
| Estimated number in Natal, June 30th, 1886      | ... | 29,828 |

8. The classification of the above total is thus:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Free Indians</td>
<td>...</td>
<td>10,040</td>
<td>4,493</td>
</tr>
<tr>
<td>Indentured Indians</td>
<td>...</td>
<td>5,616</td>
<td>2,210</td>
</tr>
<tr>
<td></td>
<td>15,656</td>
<td>6,703</td>
<td>7,469</td>
</tr>
</tbody>
</table>

9. Of these 6,703 adult females, 4,047 are married and 2,656 are single women.
10. Of the 4,047 married women, 3,182 are free and 865 are indentured.
11. The number, 7,469, of children is, in view of the small percentage of adult females and of other circumstances surrounding immigrant life, somewhat large: 6,344 are the offspring of free parents.

These figures are important with respect to the special system of Indian Education, now obtaining in Natal, to which we refer elsewhere.

12. Attention is invited to the large number of free Indians: their total is 20,877, as against 8,951 indentured Indians. Six months later, i.e., on December 31st, 1886, we find that free Indians have increased to 21,928 and that the number of indentured Indians has fallen to 7,961.

13. Many Indians, after returning to their own land with free passages, come back to Natal as free passengers paying their passage money. They are under no obligation to report themselves at the Protector’s office.

The number of such Indians now in Natal is not capable of determination with accuracy. In some instances, their arrival happens to be recorded in that office: of the 21 arrivals, so recorded, we give the following details:

1875.—Came as passengers per “Emma” and “Atalanta,” from Calcutta, 4 men, 2 women, 1 girl 7
1876.—Came as passenger per “St. Kilda,” from Calcutta, 1 woman 1
1878.—Passenger per “Gienroy,” from Calcutta, 1 man 1
1881.—Passengers per “Merchantman” and “Umwot,” from Calcutta, 3 men 3
1888.—Passengers per “John Davie” and “Umwot,” from Calcutta, 3 men, and from Madras 6 men 9

21

14. In 1877 and 1878, the Railway Contractors introduced from the Mauritius, under three years’ engagements, 869 Indians, thus:

<table>
<thead>
<tr>
<th>Year</th>
<th>Men</th>
<th>Women</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1877</td>
<td>529</td>
<td>43</td>
<td>21</td>
<td>33</td>
<td>624</td>
</tr>
<tr>
<td>1878</td>
<td>199</td>
<td>21</td>
<td>15</td>
<td>10</td>
<td>245</td>
</tr>
</tbody>
</table>

15. Those Indians from the Mauritius are not included in the total number 29,828, which we have quoted as that of the Indian Immigrant population on June 30th, 1886. In the Protector’s office there is no information upon which we can base an estimate of the number of those Indians now in Natal. If the greater portion be still resident within the Colony, and if we take into account the unrecorded number of Indians returning at their own cost to Natal, we must add at least 1,000 to the above total, and we thus arrive at the number, 30,828, or, roughly, 31,000, as the total Indian population, excluding “Arabs,” of this Colony on June 30th, 1886.

16. In appendix “A,” the employers of indentured Indians, in 1885, are grouped in the Medical Circles wherein their estates, places of business, or abodes are situated. From it we observe that the number of indentured Indians employed in the coast districts is more than five times greater than the number of those under indenture in the upland districts.

17. We have reason to think that a similar ratio applies in the case of free Indians earning their livelihood in various ways.

18. It is supposed, in the absence of reliable information, that the number of free Indians, engaged in free service of various kinds, is equal to those who may be described as small farmers and independent retailers of farm or garden produce and miscellaneous goods.

19. Free Indians, introduced under the immigration laws, who now keep retail shops or stores in various parts of the Colony, are not very numerous. For some years their number has been steadily decreasing. They are unable to withstand the keen competition of the “Arabs,” and Indians from the Mauritius, and, as they are worsted in the fight, they close their shops and direct their thoughts to other methods of acquiring a comfortable income. Thus, in the borough of Durban, during the past 10 years, 24 old Indian firms have closed their business; there are now, in that
borough, not more than 6 Indians, who came to Natal 15 or 20 years ago under indenture, able, with difficulty, to keep open their stores, or shops.

20. The number of immigrants—men, women, and children—who have arrived, from Calcutta and Madras, in each year from November, 1860, to December 31st, 1886, is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Calcutta</th>
<th>Madras</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1860</td>
<td>312</td>
<td>601</td>
<td>913</td>
</tr>
<tr>
<td>1861</td>
<td>240</td>
<td>359</td>
<td>609</td>
</tr>
<tr>
<td>1862</td>
<td>—</td>
<td>668</td>
<td>668</td>
</tr>
<tr>
<td>1863</td>
<td>384</td>
<td>1,887</td>
<td>2,271</td>
</tr>
<tr>
<td>1864</td>
<td>—</td>
<td>984</td>
<td>984</td>
</tr>
<tr>
<td>1865</td>
<td>—</td>
<td>964</td>
<td>964</td>
</tr>
<tr>
<td>1866</td>
<td>—</td>
<td>964</td>
<td>964</td>
</tr>
<tr>
<td>1867</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1868</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1869</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1870</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1871</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1872</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1873</td>
<td>4,310</td>
<td>—</td>
<td>4,310</td>
</tr>
<tr>
<td>1874</td>
<td>2,057</td>
<td>—</td>
<td>2,057</td>
</tr>
<tr>
<td>1875</td>
<td>754</td>
<td>—</td>
<td>754</td>
</tr>
<tr>
<td>1876</td>
<td>1,089</td>
<td>1,173</td>
<td>2,262</td>
</tr>
<tr>
<td>1877</td>
<td>1,722</td>
<td>3,576</td>
<td>5,398</td>
</tr>
<tr>
<td>1878</td>
<td>1,116</td>
<td>—</td>
<td>1,116</td>
</tr>
<tr>
<td>1879</td>
<td>565</td>
<td>1,488</td>
<td>1,653</td>
</tr>
<tr>
<td>1880</td>
<td>1,708</td>
<td>909</td>
<td>2,617</td>
</tr>
<tr>
<td>1881</td>
<td>972</td>
<td>753</td>
<td>1,725</td>
</tr>
<tr>
<td>1882</td>
<td>1,457</td>
<td>947</td>
<td>2,404</td>
</tr>
<tr>
<td>1883</td>
<td>1,357</td>
<td>1,926</td>
<td>3,283</td>
</tr>
<tr>
<td>1884</td>
<td>859</td>
<td>850</td>
<td>1,709</td>
</tr>
<tr>
<td>1885</td>
<td>—</td>
<td>227</td>
<td>227</td>
</tr>
<tr>
<td>1886</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>17,131</td>
<td>17,678</td>
<td>34,809</td>
</tr>
</tbody>
</table>

21. The number of immigrant females who have arrived, from Calcutta and Madras, in each year during the same period, is subjoined, separately, for facility of reference:

<table>
<thead>
<tr>
<th>Year</th>
<th>Calcutta</th>
<th>Madras</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1860</td>
<td>79</td>
<td>198</td>
<td>277</td>
</tr>
<tr>
<td>1861</td>
<td>60</td>
<td>79</td>
<td>139</td>
</tr>
<tr>
<td>1862</td>
<td>—</td>
<td>202</td>
<td>202</td>
</tr>
<tr>
<td>1863</td>
<td>80</td>
<td>571</td>
<td>651</td>
</tr>
<tr>
<td>1864</td>
<td>—</td>
<td>283</td>
<td>283</td>
</tr>
<tr>
<td>1865</td>
<td>—</td>
<td>238</td>
<td>238</td>
</tr>
<tr>
<td>1866</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>1867</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1868</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>1869</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>1870</td>
<td>—</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>1871</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>1872</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>1873</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>1874</td>
<td>1,446</td>
<td>—</td>
<td>1,446</td>
</tr>
<tr>
<td>1875</td>
<td>436</td>
<td>—</td>
<td>436</td>
</tr>
<tr>
<td>1876</td>
<td>244</td>
<td>—</td>
<td>244</td>
</tr>
<tr>
<td>1877</td>
<td>295</td>
<td>873</td>
<td>1,168</td>
</tr>
<tr>
<td>1878</td>
<td>578</td>
<td>1,115</td>
<td>1,693</td>
</tr>
<tr>
<td>1879</td>
<td>—</td>
<td>337</td>
<td>337</td>
</tr>
<tr>
<td>1880</td>
<td>114</td>
<td>359</td>
<td>473</td>
</tr>
<tr>
<td>1881</td>
<td>550</td>
<td>386</td>
<td>936</td>
</tr>
<tr>
<td>1882</td>
<td>263</td>
<td>213</td>
<td>476</td>
</tr>
<tr>
<td>1883</td>
<td>461</td>
<td>286</td>
<td>747</td>
</tr>
</tbody>
</table>
22. The births on board licensed emigrant vessels, carrying Indians to Natal, from 1874 to end of 1885, amounted to 55, of which 55 occurred on vessels from Calcutta and 50 on those from Madras.

23. Before 1873 there was no registration of Indian births occurring within the Colony; since that year the numbers registered to the end of 1886 are as under:

<table>
<thead>
<tr>
<th>Year</th>
<th>Free</th>
<th>Indentured</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1873</td>
<td>110</td>
<td></td>
<td>110</td>
</tr>
<tr>
<td>1874</td>
<td>91</td>
<td>6</td>
<td>97</td>
</tr>
<tr>
<td>1875</td>
<td>79</td>
<td>96</td>
<td>175</td>
</tr>
<tr>
<td>1876</td>
<td>58</td>
<td>222</td>
<td>275</td>
</tr>
<tr>
<td>1877</td>
<td>75</td>
<td>144</td>
<td>219</td>
</tr>
<tr>
<td>1878</td>
<td>52</td>
<td>170</td>
<td>222</td>
</tr>
<tr>
<td>1879</td>
<td>56</td>
<td>175</td>
<td>231</td>
</tr>
<tr>
<td>1880</td>
<td>151</td>
<td>184</td>
<td>335</td>
</tr>
<tr>
<td>1881</td>
<td>236</td>
<td>190</td>
<td>426</td>
</tr>
<tr>
<td>1882</td>
<td>333</td>
<td>271</td>
<td>604</td>
</tr>
<tr>
<td>1883</td>
<td>425</td>
<td>245</td>
<td>670</td>
</tr>
<tr>
<td>1884</td>
<td>552</td>
<td>222</td>
<td>774</td>
</tr>
<tr>
<td>1885</td>
<td>545</td>
<td>215</td>
<td>760</td>
</tr>
<tr>
<td>1886</td>
<td>553</td>
<td>161</td>
<td>714</td>
</tr>
</tbody>
</table>

24. Until Law, No. 12 of 1872, was passed, Indian deaths, occurring within the Colony, were not registered at the office of the Protector of Immigrants. The total number of deaths, of which there is record or mention prior to 1873, amongst the Indian immigrant population of the Colony, is 271. That number is, probably, very inaccurate and far below the real total of deaths in the long period between 1860 and the end of 1872.

Deaths, registered since 1872 to the 31st December, 1886, have occurred in each year as under; the deaths of children are included:

<table>
<thead>
<tr>
<th>Year</th>
<th>Free</th>
<th>Indentured</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1873</td>
<td></td>
<td></td>
<td>92</td>
</tr>
<tr>
<td>1874</td>
<td></td>
<td></td>
<td>137</td>
</tr>
<tr>
<td>1875</td>
<td></td>
<td></td>
<td>267</td>
</tr>
<tr>
<td>1876</td>
<td></td>
<td></td>
<td>153</td>
</tr>
<tr>
<td>1877</td>
<td></td>
<td></td>
<td>184</td>
</tr>
<tr>
<td>1878</td>
<td></td>
<td></td>
<td>251</td>
</tr>
<tr>
<td>1879</td>
<td></td>
<td></td>
<td>195</td>
</tr>
<tr>
<td>1880</td>
<td></td>
<td></td>
<td>289</td>
</tr>
<tr>
<td>1881</td>
<td></td>
<td></td>
<td>384</td>
</tr>
<tr>
<td>1882</td>
<td></td>
<td></td>
<td>389</td>
</tr>
<tr>
<td>1883</td>
<td></td>
<td></td>
<td>382</td>
</tr>
<tr>
<td>1884</td>
<td></td>
<td></td>
<td>455</td>
</tr>
<tr>
<td>1885</td>
<td></td>
<td></td>
<td>491</td>
</tr>
<tr>
<td>1886</td>
<td></td>
<td></td>
<td>392</td>
</tr>
</tbody>
</table>

25. The death rate of the total Indian immigrant population, not including "Arabs," in each year since 1880 is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1881</td>
<td>13.7</td>
</tr>
<tr>
<td>1882</td>
<td>17.2</td>
</tr>
<tr>
<td>1883</td>
<td>14.3</td>
</tr>
<tr>
<td>1884</td>
<td>13.6</td>
</tr>
<tr>
<td>1885</td>
<td>16.28</td>
</tr>
<tr>
<td>1886</td>
<td>13.21</td>
</tr>
</tbody>
</table>
26. In the period, 1873-1884, deaths of children, under the age of 8 days, have been registered to the number of 144: 63 were the offspring of free parents, and 81 of indentured parents.

These figures have some importance as bearing upon the question of infanticide, to which we refer in Chapter XXV.

27. The Indian population of the borough of Pietermaritzburg was, after census taken, said to be 754 in 1881 and 1,071 in 1884.

It is to be noted that "Arabs," not introduced under the immigration laws of the Colony, have been included in those totals, and that Hottentots and St. Helena people, formerly classed with Indians, have been excluded therefrom.

28. The Indian population of the borough of Durban for eleven years, from 1876 to 1886, has been as under:

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1876</td>
<td>...</td>
</tr>
<tr>
<td>1877</td>
<td>...</td>
</tr>
<tr>
<td>1878</td>
<td>...</td>
</tr>
<tr>
<td>1879</td>
<td>...</td>
</tr>
<tr>
<td>1880</td>
<td>...</td>
</tr>
<tr>
<td>1881</td>
<td>...</td>
</tr>
<tr>
<td>1882</td>
<td>...</td>
</tr>
<tr>
<td>1883</td>
<td>...</td>
</tr>
<tr>
<td>1884</td>
<td>...</td>
</tr>
<tr>
<td>1885</td>
<td>...</td>
</tr>
<tr>
<td>1886</td>
<td>...</td>
</tr>
<tr>
<td></td>
<td>1,450</td>
</tr>
<tr>
<td></td>
<td>1,999</td>
</tr>
<tr>
<td></td>
<td>2,533</td>
</tr>
<tr>
<td></td>
<td>2,973</td>
</tr>
<tr>
<td></td>
<td>3,309</td>
</tr>
<tr>
<td></td>
<td>3,234</td>
</tr>
<tr>
<td></td>
<td>3,130</td>
</tr>
<tr>
<td></td>
<td>4,169</td>
</tr>
<tr>
<td></td>
<td>3,867</td>
</tr>
<tr>
<td></td>
<td>3,711</td>
</tr>
<tr>
<td></td>
<td>3,456</td>
</tr>
</tbody>
</table>

We again observe that "Arabs," not introduced under the immigration laws of the Colony, and free Indians from the Mauritius and elsewhere, have been included in these totals.

29. In July, 1885, when 3,711 Indians were resident within the borough of Durban, about 2,000 free Indians were occupying land within two miles from the limits of the borough. Those occupant were advantageously placed, firstly, because they were near a large market for garden or other produce, and, secondly, because they were free from rates, taxes, and bye-laws in force within the borough.

30. In February, 1876, there were 4,086 Indian immigrants entitled to free return passages, yet only 176 wished to return when the "Umvoti," a favourite vessel, was chartered for the conveyance of such immigrants. She sailed with a number, 36 less than she was chartered to carry.

31. The number of Indian Immigrants, who, during the whole period from November, 1860, to the end of 1880, have become entitled to free return passages is 11,458.

Of that number 2,004 have claimed and obtained such passages.

The number of those who, during the same period, have left Natal without obtaining free return passages is 2,226.

It follows that 7,208 Indians, entitled to return to their homes at the Colony's expense, still tarry in Natal.

CHAPTER XXXIX.

EDUCATION.

1. The educational wants of Indian immigrants are supplied by a special system, under control of Government and inaugurated entirely in the interests of such immigrants.

2. Our Chairman paid a surprise visit at the Umzinto School and personally examined about 40 Indian children. He was much pleased with their bright intelligence.

Shortly, it may be affirmed, upon reliable data, that strenuous efforts are now
made to impart to Indian children an education which may be expected to possess the most advantages for them.

3. In appendix C is the report, for 1883, of the Inspector of Indian schools.

CHAPTER XL.

"Asiatics" or "Arab Traders."

1. The words "Indian Immigrants," as used in this report, do not mean or include those persons who in Natal are usually designated "Asiatics" or "Arab traders."

When the appointment of this Commission was moved in the Legislative Council, the mover, in clause b of his resolution, desired that one of its duties should be "to devise the best means to be adopted to bring the Asiatic population of this Colony under more effective supervision and control." That clause was expunged, after considerable discussion, and the warrant of our appointment is silent as to these "Asiatics." But we are required to report "upon the general condition of the Indian population of Natal," and we may fairly consider that we are justified in construing those words as enabling us to satisfy ourselves as to the social status and prosperity of these "Arab traders," as a section of the Indian population of the Colony. We have taken, therefore, some evidence concerning this class of Indians, and their chief trader, Abubakr Amod, was examined by us.

2. They are men who, unshackled by indenture and without costing this Colony one penny, have found their way to Natal from various parts of British India and from the Mauritius. They are British subjects, free to travel to any part of Her Majesty's dominions, who have chosen Natal as the field of their commercial pursuits.

3. We are convinced that much of the irritation, existing in the minds of European colonists against the whole Indian population of the Colony, has been excited by the undoubted ability of these Arab traders to compete with European merchants, and especially with those, who have chiefly directed their attention to the supply of articles, notably rice, largely consumed by the Indian Immigrant population.

We are aware that they have become formidable rivals of those white shopkeepers who, in various parts of the Colony, vend to Kaffirs the cheap articles which they need and which are known by the name of "Kaffir truck."

Arab stores are now found in every part of the Colony and their owners appear to be gradually pushing out those Indians who entered the Colony under the Immigration Laws and who, at the end of five years' service, opened small shops.

4. The petition, dated July 15th, 1885, presented to the Legislative Council by the Pietermaritzburg Chamber of Commerce, illustrates the bitter feeling existing against these Arab traders. The Chamber therein prays that the Council will pass a measure affording relief in the direction desired by the Chamber, and, inter alia, the relief is thus formulated:

a. Every Arab or Asiatic shall be registered and shall pay an annual fee of £ per statute adult; or,
b. Each hut, house or dwelling-place inhabited by Arab or Asiatic shall pay a house-tax of £ .
c. Arabs or Asiatics shall not be allowed to live or trade in any part of towns excepting in such quarter as may be set apart by the Corporation or local authorities for that purpose.
d. No Arab or Asiatic shall be allowed to deal in any kind of intoxicating drinks.
e. No Arab or Asiatic shall trade out of the Locations set apart in the towns or townships. That is, no peddling or hawking shall be allowed in the Colony, excepting upon the payment of a license of £10 per annum.

5. We are of opinion that these Arab traders have been drawn to Natal by the presence therein of those Indians who have been introduced under the Immigration
Laws. Rice is the chief food of the 39,000 Indian Immigrants now in the Colony, and these astute traders have so successfully devoted their tact and energy to the supply of that article that the price to all consumers fell from 21 shillings per bag in former years to 14 shillings in 1884.

The following table shows how, in the borough of Durban, the increasing Indian population of the Colony has evoked an increased number of Arab and Indian stores:

**Borough of Durban.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Retail Stores kept by</th>
<th>Total Indian Immigrant Population in the Colony</th>
</tr>
</thead>
<tbody>
<tr>
<td>1870</td>
<td>Indians</td>
<td>Arabs</td>
</tr>
<tr>
<td>1875</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>1880</td>
<td>30</td>
<td>7</td>
</tr>
<tr>
<td>1885</td>
<td>26</td>
<td>48</td>
</tr>
</tbody>
</table>

The Arab storekeepers of Durban supply many of the smaller stores kept by their relatives or friends in the rural districts of the Colony. In July, 1885, 3,711 Indians were resident within the borough of Durban, while in the immediate suburbs 2,000 free Indians were settled. At the same period there were at least 3,527 in Durban County, exclusive of the 2,000 just mentioned, 11,881 in the County of Victoria, and 2,584 in Alexandra County. These figures give a total number of 23,503 Indians, consuming rice, dholl, dried fish and curry stuffs, in the collection and sale of which these Arabs of Durban have many advantages. Their friends and partners in India can watch the market and purchase at the moment of greatest profit and advantage; they know the ways and habits of Indian immigrants and choose their stock by the aid of such knowledge; their daily wants are fewer and involve much less expense than those of their white competitors, and they can manage their business without skilled white assistants requiring high wages. White storekeepers of small capital have difficulty in withstanding the competition of such men; it is said that Kafrs can buy from Arabs at from 25 to 30 per cent. lower rates than those obtaining six or seven years ago.

6. It does not lie within the scope of our Commission to discuss, at length, the restrictive measures which some desire to impose upon "Asiatics" or "Arab" traders. We are content to place on record our strong opinion, based on much observation, that the presence of these traders has been beneficial to the whole Colony, and that it would be unwise, if not unjust, to legislate to their prejudice.

7. We think that a decrease in the number of Indian Immigrants, resident within the Colony, will be accompanied by a diminution in the number of these enterprising traders. If the system of Kaffir labour, suggested by us in Chapter XLIV, should work with success, white men, whether merchants or shopkeepers, will probably discover that their Asiatic opponents will cease to vie Natal as a land flowing with milk and honey or as a desirable habitation for themselves.

8. In conclusion, we are able to report that the condition of this section of the Indian population of Natal is eminently satisfactory. Nearly all of them are Muhammadans, either total abstainers from alcoholic liquors or drinking them in moderation. They are thrifty by nature and are submissive to the law. In the borough of Durban Arabs own 40 properties valued at £16,000, and, in some instances, Europeans are their tenants. At present, they request certain concessions as to right of burial, in a separate portion of the Durban General Cemetery or elsewhere, in accordance with their own religious ideas and observances. We apprehend no difficulty in the adjustment of those matters, if the Durban Corporation will deal with them in that liberal spirit in which it recognises the interests of those who live within its jurisdiction.

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**CHAPTER XLI.**

**SALISBURY ISLAND.**

1. A very interesting industry is established on this island in Durban Bay. The inhabitants are free Indians busyly engaged in fishing and fish curing.

2. The fishing season is from June to December. They own 12 nets and 14
boats, valued at £500. The number of men working under each headman varies from six to twelve.

There are no reliable data upon which we can frame an accurate estimate of the total value of fresh fish annually sold by these Indians: £800 per annum is considered to be a moderate estimate. Fresh and wholesome fish is easily procurable at Pietermaritzburg, and for this the thanks of the colonists are chiefly due to the Indian settlers of Salisbury Island.

3. Fish-curing commences about August and continues to November, in which period large quantities of shad and "Cape salmon" are caught near "the Back Beach."

In 1884, 26 tons, the value of which in the local market was £260, were cured on the island. The greater part of this dried salt-fish was sold for consumption by Indians employed in Natal, but we were gratified to hear from the witness, Abubakr Amod of Durban, that he exported in that year 8 tons, which realized in the Mauritius £18 per ton. We trust that he will be encouraged to continue such exports on a more extensive scale.

In 1885 the amount cured was 30 tons, worth at least £330 in the local market, but in 1886, in consequence of a very poor shad season, the islanders cured only 20 tons of the value of £220.

All the cured fish is sold without difficulty.

4. The Indian population of the island, for three years, ending on December 31st, 1886, has been as under:

<table>
<thead>
<tr>
<th>Year</th>
<th>Men.</th>
<th>Women</th>
<th>Children</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1884</td>
<td>50</td>
<td>35</td>
<td>65</td>
<td>150</td>
</tr>
<tr>
<td>1885</td>
<td>88</td>
<td>44</td>
<td>86</td>
<td>218</td>
</tr>
<tr>
<td>1886</td>
<td>69</td>
<td>44</td>
<td>74</td>
<td>187</td>
</tr>
</tbody>
</table>

5. A portion of the Island is divided into lots, each 150 feet by 50 feet in extent, at a rent, until recently, of £24 per annum for each lot: that amount has been reduced to £18 during the current year. In 1884 the rent received was £171, in 1885 it decreased to £107, and in 1886 it fell to £138.

6. We found the islanders cheerful and quite contented with their mode of life. Their dwellings are comfortable and they have been commendably punctual in the payment of rent. Their general conduct has been very good. In 1884 only 6 persons were arrested, for disorderly behaviour, and the two Kaffirs, who had been employed for three months as policemen in charge of the island, were withdrawn and their services discontinued. In 1885 there were 2 arrests for trifling offences, and in 1886 we find only 3 cases of misconduct under the Masters and Servants Law.

At times rumour has ascribed to these islanders thefts of ropes and small articles from boats and ships in the bay, but such charges have not been substantiated.

Some years ago an Eurasian schoolmaster settled, *meru muth*, amongst them, and we found that some children, under 14 years of age, had been taught by him to read and write English fairly well. On the recommendation of our Chairman, the Indian Immigrant School Board extended its attention and aid to the little island, and the Harbour Board granted a site for a suitable school building, which has been erected with house accommodation for the master.

The Eurasian teacher, who was infirm in health at the date of his migration to the island, died in 1886: his successor is an Indian, appointed by the Indian Immigrant School Board.

The children now have a comfortable school in the very midst of their homes, they are progressing steadily, and in 1886 the average daily attendance was 21.

8. Badly cured salt-fish is apt, in tropical and semi-tropical countries, to induce diarrhoea, cholera, and other diseases. We have heard many complaints concerning the imperfect curing on Salisbury Island, and, in the interests of all consumers, we suggest to the Harbour Board, which receives the rents accruing from the island, that it is desirable to encourage the Indians to cure the fish more thoroughly than at present and to afford to them facilities in the way of procuring salt as cheaply as possible. To the islanders themselves the results would be satisfactory, because we are convinced that the local demand for salt-fish would be greatly increased if the quality were improved. Even as it is, at the present moment, salt-fish, cured by the
Salisbury islanders and sold by them at the wholesale price of £11 per ton, which is at the rate of 14s. 3d. per lb., is sold at Ladysmith, readily accessible by railway, at 6d. per lb. retail which is at the rate of £5 per ton!

In a recent issue of "The Ceylon Observer" we find remarks on defects, in the local system of fish curing, so strongly resembling those in Natal that we venture to quote them in extenso, with the earnest hope that they will arrest the attention of thoughtful colonists:—

"FISH-CURING IN CEYLON.

"Dried salt-fish, known popularly as 'Karawala,' forms so large a portion of the food of the inhabitants of Ceylon, and especially of the immigrant Tamil coolies, and disease, including even leprosy, has so often been traced to the use of this article of food in a putrid or semi-putrid state, that all who have given attention to the question must have rejoiced when the Ceylon Government, following the example of the authorities in the Madras Presidency, determined on measures calculated to expand and improve the local industry. This they have done by commencing to open fish-curing yards, such as have been generally so successful in South India, and supplying salt for use in such yards at the moderate price of R1 per cwt., so low indeed as 80 cents at Hambantota. These yards are properly protected and supplied with guards by Government, so that the native fishermen who choose to avail themselves of the advantages offered, not only obtain good clean salt at a low price, but are saved the trouble and expense of watching the fish which, after cleaning, they spread out to dry. In Ceylon as in India, one great cause of the inferiority of salt-fish sent into the markets for sale (next to imperfect salting, often with salt mud merely), is the practice of drying the fish on the seashore sand. It is inevitable under this system that a very considerable proportion of sand should get into the substance of the fish or adhere to it, and so large is this proportion sometimes that the price even of putrid or inferior fish, used for manurial purposes, has been regulated by the extent to which it has been freed from sand. In the government curing yards the salted-fish is dried on wicker platforms. Where forest or scrub is plentiful, we would suggest that the experiment of smoking some of the fish, after the fashion of Scotch speldings or 'Finnan haddocks' should be tried. We do not know if the Europeans who recently engaged in the fish-curing enterprise in Ceylon tried any experiments in the direction of smoking or 'kippering.' In any case, the dried fish they sent into the market was exceptionally clean and well cured, and, although we are not surprised to learn that in a purely native industry like this, Europeans have not been successful competitors with the indigenous fishermen, we greatly regret the result. Our readers must understand that our Government in taking measures to encourage and extend the local fish-curing industry, must have contemplated a considerable sacrifice of revenue. The more dried fish is locally produced, the less will be the import duty collected on the at present very large quantity of salt-fish introduced from Southern India, destined largely, like our imports of rice, to feed the coolies who come to us from the same quarter. A duty on salt-fish, although the latter is a staple article of native food, has always been deemed necessary as to a certain extent a protection to the local revenue derived from salt, the quantity of salt in the imported fish as well as in that locally prepared being calculated in estimating the consumption of salt (from 12lb. to 16lb. per caput), by the inhabitants of Ceylon. Besides loss of revenue in the direction indicated, Government salt for fish-curing purposes at less than half the monopoly price, and the yards, supplied by the Government with superintendents and watchers, are not yet and probably will not for some time be self-supporting. But this Government, like that of Madras, is clearly acting not merely in the spirit of paternal benevolence, but in the line of positive duty, in taking measures to improve and extend a local industry, whereby the seas around our shores shall be made to yield increased supplies in a wholesome shape of a species of food specially grateful to the natives, as giving body as well as piquancy to their curries, so largely composed of succulent vegetables in addition to the unfailling and absorbent staple, rice. The quantity of salt used in proportion to the fish cured varies widely, and any large excess above well-established averages, such as has occurred at some of the Ceylon curing yards, demands and will receive enquiry, so that the abuse of the privilege of obtaining cheap salt for a specific purpose may not be allowed. The following table shows the results, so far, of the fishing-curing experiment in Government yards, in the face of the inevitable suspicions of the natives that the whole scheme was merely a device to impose upon them additional taxation.

"The following abstract shows the results of the establishment of the yards in which work was carried on during the period from October 15th, 1885, to July 31st, 1886:—"
<table>
<thead>
<tr>
<th>Name of Yard</th>
<th>Period during which the yard was opened</th>
<th>No. of applications to use of Yard</th>
<th>Weight of Fish brought to be cured.</th>
<th>Weight of cured Fish taken out.</th>
<th>Weight of Salt issued.</th>
<th>Value of Salt sold.</th>
<th>Expenditure incurred by Government.</th>
<th>Quantity of Salt issued to each cwt. of Fish.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hambantota</td>
<td>Oct. 15th, 1885, to April 30th, 1886...</td>
<td>1168</td>
<td>1217  3</td>
<td>845  38</td>
<td>282  0</td>
<td>225  60</td>
<td>548 29</td>
<td>25  95</td>
</tr>
<tr>
<td>Patanagala</td>
<td>March 16, to April 30, 1886...</td>
<td>224</td>
<td>395  74</td>
<td>203  38</td>
<td>46  74</td>
<td>46  74</td>
<td>171 17</td>
<td>13  4</td>
</tr>
<tr>
<td>Suriyagahawella</td>
<td>Nov. 15th, 1885, to April 15th, 1886...</td>
<td>93</td>
<td>99 110</td>
<td>61  4</td>
<td>23  28</td>
<td>23  25</td>
<td>602 17</td>
<td>27  76</td>
</tr>
<tr>
<td>Gandara</td>
<td>January 25th to July 31st, 1886...</td>
<td>324</td>
<td>680  50</td>
<td>814  5</td>
<td>175 19</td>
<td>175 19</td>
<td>545 24</td>
<td>27  17</td>
</tr>
<tr>
<td>Udappu</td>
<td>February 14th to May 31st, 1886...</td>
<td>324</td>
<td>492  87</td>
<td>577  86</td>
<td>196  0</td>
<td>196  0</td>
<td>667 32</td>
<td>44  62</td>
</tr>
</tbody>
</table>

1168 lbs of fish taken out in 24 days as per duty register. The return journey is made in the afternoon, when the wind changes, the boats arriving between five and six generally. The fish, when landed in bays, are either carried them out of sight to the fishing grounds, where they remain, the whole day. The following information, concerning the fishing and curing methods, is adopted at Gaudara. A curia, who has taken an active interest in the system of fish-curing, gives his skill in curing, but for the fact that quite a different style of cooking is generally in use was bought.
sold to auction to the highest bidder, or by private sale when a fair offer is made, the fishermen thus realising the full value of their fish at once.

At the commencement of the season, when the hauls were small, the prices ran up to R4 and R6 a cwt., but as the season advanced they went down to R2.75 and R2.50. The fish is at once cut open, and after being cleaned in the sea close by, conveyed in the pungoes and carts to the fish yard, where it is weighed. The curers then set to work to apply the salt, being engaged at this during the whole night. The different process adopted in curing are:

First, the ordinary one of salting and drying.

The fish when cleaned are slit in parallel lines down the fleshy parts, into which pounded salt is well rubbed. They are then put into barrels and kept there for twelve hours, after which they undergo a second cleaning in salt-water, and are then exposed to dry in the hot sun for four or five days on raised stick platforms, so as to keep them free of sand. On the fifth day they are ready for removal.

Another process is that of placing the fish after it is rubbed with salt in jars or water-tight barrels, and sprinkling over each layer a good quantity of salt mixed with dried goraka fruit, the acid juice of which imparts a good flavour to the fish; when the jar is full it is covered over and left to stand for three weeks or a month.

A third way adopted, when large quantities of small fish, such as sardines, sprats, &c., are caught, is to steep them in brine, and then taken away.

The amount of salt required for curing varies according to the size and description of fish, as well as the process of curing adopted. For instance, in pickling small fish in jars or tubs the proportion of salt to fish is one to two, that is, 1 cwt. of salt is required for 2 cwt. of fish. For dressing small fish the same quantity is required; for salting and drying large fish the proportion is one to three.

There are three descriptions of canoes employed in fishing, all of them with the usual outriggers. The first is a single-masted large canoe, called in Sinkalese *hedi* or *davanapandė awa*, capable of carrying 8 to 8 cwt. The second, the *sāra awa*, constructed in such a way as to be able to sail out in stormy weather, and carrying a large oblong sail supported by two bamboo masts. This boat is chiefly employed in catching the rarer kinds of fish, such as seer, *pura*, &c. The third kind is a small cockleshell of a canoe, keeping close in shore when fishing, and only venturing out when the sea is smooth.

The large kinds of fish are caught with hook and line manufactured by the fishermen. There are a few draught nets, made of coir rope, and circular hand nets used in fishing from the shore. It would be well if they were abolished altogether, as the fishermen complain of their frightening away the small fry on which the large fish prey.

The different kinds of fish caught are given in return ‘A.’ *Kalamiya*, weighing on an average about 5 lb., is caught in largest quantities. Seer and *pura* are the most prized on account of their excellent flavour, while the small sprats called *laggo* would make a good substitute for sardines.

A sample of the fish cured here under the salting and drying process in the yard of the European firm was forwarded to the Secretary of the Ceylon Committee for the Indian and Colonial Exhibition, and he writes of the excellent condition in which it arrived.’’

CHAPTER XLII.

**Savings of Time-expired Immigrants returning to India.**

1. Large sums of money and much valuable jewelry have been taken away by time-expired immigrants returning from Natal to India.

2. Thus, immigrants returning by the “Unrati” in 1881, 1882, and 1884, admitted the possession of money to the following amounts:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1881</td>
<td>...</td>
</tr>
<tr>
<td>1882</td>
<td>...</td>
</tr>
<tr>
<td>1884</td>
<td>between £14,000 and £15,000</td>
</tr>
</tbody>
</table>

£5,360  
£574  

3. The 259 immigrants who returned by the "Umvoti" sailing on February 29th, 1885, whom we inspected on board that vessel, confessed that they had money and jewels of the total value of £2,120.

4. On December 23rd, 1886, our Chairman inspected 265 immigrants returning by the "Umvoti," and seven men admitted that they were in possession of savings to the amount of £1,336, thus:

<table>
<thead>
<tr>
<th>Indian No.</th>
<th>...</th>
<th>...</th>
<th>£180</th>
</tr>
</thead>
<tbody>
<tr>
<td>93</td>
<td>...</td>
<td>...</td>
<td>292</td>
</tr>
<tr>
<td>126</td>
<td>...</td>
<td>...</td>
<td>75</td>
</tr>
<tr>
<td>134</td>
<td>...</td>
<td>...</td>
<td>141</td>
</tr>
<tr>
<td>206</td>
<td>...</td>
<td>...</td>
<td>80</td>
</tr>
<tr>
<td>224</td>
<td>...</td>
<td>...</td>
<td>458</td>
</tr>
<tr>
<td>239</td>
<td>...</td>
<td>...</td>
<td>330</td>
</tr>
</tbody>
</table>

£1,336

5. Probably, the total amount of jewels and money in possession of those 265 Indians was between £3,000 and £10,000. And so with reference to all the amounts admitted by Indians, the sum is probably four or five times less than the true amount in their pockets.

6. It has been found that time-expired immigrants, returning to India, manifest the greatest reluctance to disclose the true amount of their savings. It may be that they fear that such disclosures will excite the slumbering theftuous dispositions of some of their poorer fellow-passengers, or their reticence may be nothing more than that prudent reserve with which, in their own country, they shroud the boarding of rupees and valuables.

7. We recommend that increased efforts be made in order to secure information, fairly accurate, as to the amount of money and the value of jewelry with which every time-expired Indian returns to his country.

This information should be obtained by the Protector, not by a subordinate officer, from the passengers when collected on the vessel and at the point of sailing. The questioner should endeavour to avoid exciting any feeling of fear or uneasiness in the minds of the Indians. He should communicate the information, so obtained, by letters, conveyed by the captain of the vessel, to the Emigration Agents at the ports of debarkation in India. Those officers, by similar questions put to the passengers before debarkation, could test the accuracy of the information given before departure from Natal.

We think that such reliable statistics, spread in India, would be creditable to this Colony and would stimulate the desire, already well-developed, to emigrate for service in Natal.

CHAPTER XLIII.


Indian immigrants have been introduced within the limits of this Colony in the manner and upon the conditions very briefly summarized in the following sections, 1-8:

1. Emigration Agents, residing at Calcutta and Madras, appointed by the Natal Government, recruit, by the aid of men specially licensed, at their request, by the Protector of Emigrants having jurisdiction at each of those ports, those Indians, male and female, who are willing to emigrate to Natal.

2. Every recruiter is supplied by the Emigration Agent with a written or printed statement, signed by the Agent and countersigned by the Protector of Emigrants, of the terms of agreement which the recruiter is authorized to offer, on behalf of the Agent, to intending emigrants. Those statements are in English and in the vernacular language or languages of the local area within which the recruiter is licensed to recruit.

3. The recruiter is bound to hand to every person, whom he invites to emigrate, a true copy of such statement. Every intending emigrant, accepting such statement
and agreeing to its terms, is examined by the Protector of Emigrants or by a Registering Officer, and, if all things be satisfactory and in order, he is registered in a book kept for such special purpose.

4. After examination, as to their fitness to undertake the voyage to Natal, by the Medical Inspector at the port of embarkation, the emigrants are despatched in licensed vessels, of special arrangements and equipments, inspected and approved by the Protector of Emigrants and the Medical Inspector of Emigrants.

5. Upon arrival at Durban, the port of disembarkation in Natal, the immigrants are located at the depot and, in due course, are allotted pro rata to the persons who have applied for Indian labourers. They are severally bound for five years' service, male adults receiving, as monthly wages, in the 1st year ten shillings, in the 2nd year eleven shillings, in the third year twelve shillings, in the 4th year thirteen shillings, and in the 5th year fourteen shillings, with free rations on an authorized scale. The wages of women and children are in proportion.

6. During the period of indentured service, the Protector of Immigrants, who makes frequent inspections of all estates whereon Indian immigrants are employed, keeps a careful and zealous watch over their interests. In the upland districts he is assisted by a Deputy Protector.

Medical Officers, within prescribed intervals, visit the estates which are grouped within convenient Medical circles. Central Hospitals are provided in suitable localities, and on some of the largest estates there are private hospitals.

7. At the end of five years' indentured service, they may shape their lives as they list. They may return to India at their own expense, they may remain with their old masters at wages settled to their own satisfaction, they can go to other estates, they can engage in agricultural or commercial pursuits, in short, they may move about with the same freedom as other sections of the community. But, if they desire to qualify themselves for free return passages to India, they must not, within a further period of five years, go beyond the limits of Natal.

8. At the expiration of five years, computed from the date of the completion of their five years' indentured service, they are entitled, if during the whole period of 10 years they have resided within the Colony, to a free passage back to India. The health and comfort of returning Indians are sought to be secured as earnestly and thoroughly as during the voyage from their own country to Natal.

9. Their general condition during indentured service is, without doubt, very good. They are well housed, living, for the most part, in habitations which they declare to be best suited to their wants.

10. They usually have small garden plots, near their huts, wherein they cultivate vegetables, tobacco, chilies, and fruit. They rear poultry and goats, to which the women and small children attend, and by the sale of those which they do not consume add considerably to their regular earnings.

11. The authorized scale of rations is ample and but few complained concerning their food: the complaints made were of a trivial nature.

Employers, especially in the upland districts, often give extras, free of charge, such as milk, potatoes, pumpkins and mutton.

12. The water supply is ample in quantity: when it is defective in quality, the defects are, in the majority of cases, mainly attributable to the objectionable habits of the immigrants themselves or to causes under their control.

13. The labour which they perform is not arduous or excessive. There is no compulsory work on Sunday: if, however, work, absolutely indispensable, be asked from them on that day, additional pay rewards it.

14. Their health is good, as is evidenced by the death rate which is low even when the deaths of children and those from accidental causes are included.

15. Wages are paid with commendable regularity. Indeed, we were surprised that, during our numerous visits to estates, so few, not more than 2 or 3, complaints of irregularity in payment of wages were made to us by, or on behalf of, indentured Indians. We had reason to think that the complaints on one estate were well-founded: we discovered, and the condition of the mill premises clearly indicated, that the proprietor and manager of that estate was then in embarrassed circumstances. Only 23
indentured Indians were employed on that estate, to which the attention of the Protector of Immigrants was directed.

16. Statistics demonstrate, and our enquiries from the immigrants themselves have satisfied us, that ill-treatment by masters is infrequent.

Of course, some cases of assault may be expected to arise amongst a body, numerically so large, of employers and employed: even in such cases, there has been some irritating cause of dissatisfaction springing from the employed. The kindest masters may lose temper at the oft-repeated misconduct of idle and malingering servants.

An indication, to which we attach importance, of the normally satisfactory relations between masters and men is the fact that numerous Indians re-engage with the masters with whom their indentured life has been passed.

It is difficult, we think, to indicate a colony wherein there is kinder treatment of indentured Indian labourers than in Natal or wherein employers are more earnest in the equitable performance of their part of the contract.

17. We now pass from indentured to free Indians.

Free Indians thrive in Natal. Their wants are, comparatively, few, and their industrious habits cause them to prosper in nearly every occupation in which they engage.

18. They deal in horns and hides, expending much energy and shrewdness in the collection of those articles; the sellers are, chiefly, Kaffirs.

19. They show commendable industry in fishing and fish-curing; the Indian fishing settlement on Salisbury Island, in Durban bay, has been of manifest advantage not only to the Indian but to the white inhabitants of the Colony.

20. They do remarkably well as cultivators, in the coast districts, of small parcels of land rented on short leases. In such agricultural pursuits they have competed with their former masters, and the quantity of maize grown by them has been no unimportant factor in lowering for some years the market price of that cereal. In numerous localities, in the upland as well as in the coast districts, they have converted waste and unproductive land into well-kept gardens planted with vegetables, tobacco, maize, and fruit trees. Those settled in the vicinity of Durban and Pietermaritzburg have succeeded in winning for themselves, almost entirely, the supplying of the local markets with vegetables. It must be conceded that this competition by free Indians has worked to the prejudice of those white colonists who once had the monopoly of that trade. The following newspaper extract from a market report of a very recent date clearly indicates the pinch of such competition at Pietermaritzburg: “Vegetables are being sold very low, in fact at ruinous prices to the grower, excepting the Coolies. The requirements of an Asiatic are so small that the very smallest profit on his productions will suffice to keep body and soul together, so, where an Englishman would literally starve, he would be in a thriving and prosperous condition. This being the case, and seeing that nearly all garden produce is selling so low, it will not surprise any to hear that the vegetable market is almost completely supplied by the Coolies.”

In fairness to the free Indians we must observe that the competition is legitimate in its nature and that it, certainly, has been welcomed by the general community. From an early hour in the morning Indian hawkers, male and female, adults and children, go busily with heavy baskets on their heads from house to house, and thus citizens can now daily, at their own doors, and at low rates, purchase wholesome vegetables and fruit which, not many years ago, they could not, with certainty, procure even in the public markets and at exorbitant prices.

21. They earn high wages as domestic servants. At the present time some obtain £4 per month as cooks at Pietermaritzburg; and at the Gold Fields in the Transvaal, whether some are going without permission and at the risk of forfeiting their claim to free return passage to India, it is said that Indian cooks now demand and obtain £10 per month.

22. Formerly, Indian storckeeprers were very successful: less prosperous days have now dawned upon them and they are unable to hold their ground against their "Arab" opponents. Such competition has not proved injurious to the interests of this Colony, and, as to the Indians themselves, the result has been merely to direct their energies to other methods, easily accessible, of making money.

23. In the boroughs of Durban and Pietermaritzburg, and elsewhere, they own considerable properties. Some have Europeans as tenants, paying heavy rents.
24. They remit much money to India. In seven years Indians have remitted, through the Protector's office, to their friends and relatives in India no less a sum than £3,751 12s. 4d.

The amount remitted in each of these years is as under:

<table>
<thead>
<tr>
<th>Year</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>1880</td>
<td>280</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>1881</td>
<td>270</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>1882</td>
<td>440</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1883</td>
<td>754</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1884</td>
<td>901</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1885</td>
<td>589</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>1886</td>
<td>516</td>
<td>7</td>
<td>1</td>
</tr>
</tbody>
</table>

3,751 12 4

25. Time-expired Indians, returning to their country with free passages, take with them much valuable jewelry and large sums of money, as we have shown in Chapter XLII, to which we invite attention.

26. Free Indians are, at present, singularly exempt from taxation and from that which is usually termed class legislation. A conspicuous instance of this is the fact that no prohibitory liquor law applies to them, although the 370,000 Kaffir inhabitants of the Colony submit to the operation of the Law No. 22 of 1878. In the Mauritius free Indians are under restrictions unknown here.

27. They frequently communicate with their friends and relatives in India. They can, if they wish, forward letters, free of charge, to those friends, through the office of the Protector of Immigrants. In four years 2,101 letters have been so sent, as below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Letters</th>
</tr>
</thead>
<tbody>
<tr>
<td>1883</td>
<td>351</td>
</tr>
<tr>
<td>1884</td>
<td>686</td>
</tr>
<tr>
<td>1885</td>
<td>624</td>
</tr>
<tr>
<td>1886</td>
<td>440</td>
</tr>
</tbody>
</table>

2,101

28. Their educational wants are supplied by a special system, under control of Government and inaugurated entirely in the interests of Indian immigrants. In addition, missionaries labour amongst them with earnestness and with good results. Shortly, it may be affirmed, upon reliable data, that strenuous efforts are now made to impart to Indian children an education which may be expected to possess the most advantages for them.

29. Although we are convinced that Indians, and especially free Indians, in Natal surrender themselves to the drinking of intoxicating liquors to a greater extent than in their own country, yet are we constrained to record that there is no satisfactory proof before us that the percentage of "drunk and disorderly" persons is greater amongst them than amongst other races dwelling within the Colony.

30. Several murders, of a bad type, have been committed by Indians during the past two or three years. Nevertheless, we must again observe that there is an absence of evidence proving that the commission of serious crimes is, relatively, more prevalent amongst them than amongst the Kaffir population of the Colony.

31. There can be no doubt that Natal is admirably suited, whether as a temporary or a permanent home, to Indian immigrants.

The barque "Umvoti," Captain Reeves, sailed with 259 time-expired immigrants, returning to Madras and Calcutta, on February 29th, 1885, when we were commencing our investigations. We were then assured, and are now convinced, that they were not an abnormally good lot: they may be taken as an average sample of Indians returning to their country at the completion of 10 years' residence in Natal. We minutely inspected the vessel and her passengers, of whom 234 were for Calcutta and 25 for Madras.
### FOR CALCUTTA.

<table>
<thead>
<tr>
<th>Men</th>
<th>Women</th>
<th>Boys</th>
<th>Girls</th>
<th>Infants</th>
<th>Total Souls</th>
</tr>
</thead>
<tbody>
<tr>
<td>109</td>
<td>8</td>
<td>23</td>
<td>37</td>
<td>17</td>
<td>234</td>
</tr>
</tbody>
</table>

### FOR MADRAS.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>2</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>1</td>
<td></td>
<td>2</td>
<td></td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>259</td>
</tr>
</tbody>
</table>

We were much pleased with the appearance of the 62 boys and girls, who were plump and well-nourished. They, as well as the adults, male and female, showed most unmistakeably that they had been sojourning in a land of good climatic conditions and of bounteous aliment. All, save three invalids, were cheerful, happy, and without grievances or complaints.

Concerning the 234 immigrants, returning to Calcutta, the Emigration Agent, who inspected them on debarkation on May 13th, wrote thus to the Protector of Immigrants in Natal: “With the exception of a few invalids I never saw a finer lot of return emigrants, they would be a credit to any colony. The children particularly attracted my attention. They seemed to belong to quite another race, sturdy and robust of physique, quite equal to those of the better class in England. I do not know whether to credit the colony or the surgeon and ship with this very creditable state of affairs, never having been in the colony myself.”

On December 23rd, 1886, our Chairman again inspected the “Umvoti.” The arrangements made for the comfort of the Indians, 265 in number, then returning by her, were satisfactory. The passengers were—

<table>
<thead>
<tr>
<th>Men</th>
<th>Women</th>
<th>Boys</th>
<th>Girls</th>
<th>Total souls</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>58</td>
<td>42</td>
<td>54</td>
<td>265</td>
</tr>
</tbody>
</table>

Amongst them were some invalids and lepers; it was understood that the latter would be duly segregated. The other passengers showed the same very satisfactory indications of prosperity and health as were noticed when we first inspected the “Umvoti.”

32. Finally, as to very important questions connected with marriages, and as to the devolution of property in intestate estates involved in such questions, amongst those Indian immigrants who may desire to settle permanently in Natal, we trust that the unsatisfactory conditions, existing at present, will be remedied, at least in part, by the suggestions and recommendations which, after mature consideration, we have placed on record.

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**CHAPTER XLIV.**

**Continuance of the Present System of Indian Immigration.**

1. At the very threshold of our enquiry we had reason to think that much unrest existed in the public mind concerning the expediency of continuing the present system of Indian Immigration. We considered that an investigation of the extent and force of this feeling of unrest did not fall fairly within the limits of our Commission. Soon, however, we discovered that many persons desired to place on record their thoughts on this matter, and, subsequently, papers, referring thereto, were formally submitted to us by Government for the expression of our opinion. We have, therefore, given to this subject that consideration which its importance to the whole community demanded.

2. Our enquiries have satisfied us that there is in this Colony an undoubted preponderance of opinion that the Indian Immigrant should remain under indenture during the whole period of his residence within the Colony. The majority of white colonists are strongly opposed to the presence of the free Indian, as a rival and competitor, either in agricultural or commercial pursuits.
3. Colonists, who have formed opinions concerning Indian Immigration and its effects upon this Colony, may be classified under four divisions.

4. Some angrily demand that the introduction of Indian Immigrants shall forthwith cease and that the Kaffirs, resident in the Colony, shall be compelled to work.

5. Others are content that immigration should continue, but they insist that Immigrants shall be sent back to India at the end of five years’ indentured service, unless they be willing to re-indenture for the further period of their residence in the Colony.

6. Others do not object to the present system, if the status of the free Indian be reduced to a lower level. They would subject him to a kind of capitis diminutio, by depriving him of a portion of the capacity of exercising all the rights at present attached to the status of a free Indian. Thus, they would not permit him to move about except under a system of registration and police supervision, they would compel him to be photographed and to produce his photograph on demand of the police, they would confine him, whether as trader or simple householder, to certain specified portions of towns, and would compel him, when engaged in trade, to keep his accounts in the English language.

7. Fourthly, there are those who, while willing to permit the introduction of Indian Immigrants, consider that the time has now arrived when such introduction should cease to be aided by the public purse. They strongly urge that colonists, who may desire to secure the services of Indian labourers, should obtain such men by private contract and at their own charges.

8. This last form of objection raises a large question, very seriously affecting the interests of an important section of the community; they are the sugar-planters of the coast districts. Of course, we know that a large number of Indians are employed on the Government railways and by the farmers of the upland districts. But the farmers would be able to obtain suitable labourers, if Indian Immigration should cease in toto, and the question has not for them that vital importance which it possesses for sugar-planters, to whom trained labour, reliable in its continuity, is an absolute necessity.

It would serve no useful purpose to discuss, in this report, this vexed question as between sugar-planters and other sections of the community. It will be sufficient to record our opinions, formed after much consideration, and to suggest a remedial system, which we venture to think is not only possible of development but consonant with the true interests of the Colony.

9. An Indian, drawing the first breath of freedom after five years of indentured service, will, in almost every instance, prove unwilling to re-indenture unless he be assured by far higher wages than those paid in the period of indentured service. His free fellow-countrymen will tell him, with truth, that he can obtain higher remuneration in various occupations; they will direct his attention to domestic service with wages treble those of indentured life, to the profits obtainable by the cultivation of a small tract of land easily procurable on lease, to the freedom and gains of peddling, and to the dignity and solid profits of shopkeeping.

Sugar-planters, farmers and other employers, objecting to pay the higher wages demanded by free Indians, will continue to indent for new men, from India, who may step into the gaps caused by the departure from their service of time-expired men.

Thus the stream of Indian Immigrants will be steadily maintained, an ever-increasing number of free Indians will settle in the land, and on the general revenue will rest the burden which it now supports.

10. We are not hopeful that aid from the public purse can be rendered unnecessary, if employers of free Indians be compelled to pay yearly instalments similar in amount to those paid by the employers of indentured Indians.

If free Indians could be induced in large numbers to re-indenture, at low wages, for the whole of their second period of residence within the limits of the Colony, and if during such second period the employers were compelled by law to pay yearly instalments equal in amount to those paid during the first period, doubtless it would be possible to materially diminish, if not altogether to withdraw, the yearly grant-in-aid now made from the general revenue.

It has been said that there is, at the present moment, much distress amongst free Indians. We are not satisfied that such distress exists. On the contrary, we are
convinced that the free Indian of Natal easily earns more than he requires for the sustenance of himself and his family, and that he is now better able to feed and clothe himself and those dependent upon him than he would be if resident in his own country. In proof, we need only cite the fact that free Indians have, hitherto, steadily refused to accept the rate of wages paid to Kaffirs or to indentured Indians for domestic service and farm work in the upland districts. They demand wages ranging from 25 shillings to £2 per month, with rations. Quite recent instances are known where Indians seeking domestic service have refused, within a week of their freedom from indentured service under other masters, the offer of £3 per month and rations.

If high wages were added yearly instalments extracted from the pockets of the employers, they would speedily discover that it would be cheaper to indent for new men from India than to engage free Indians. An indentured man’s pay commences at 10s. per month, with rations, and reaches a maximum, in his fifth year, of 14s. per month, with rations. Such wages, plus yearly instalments, would be welcomed by employers, from whom free Indians would ask 25 shillings and more per month, with rations, and burdened with similar instalments.

There is, therefore, reason to fear that a system, insisting upon the payment of instalments by employers of free Indians, would by no means diminish the flow of Indian Immigration; it would, on the contrary, stimulate and increase the demand for new Immigrants, would encourage the growth of the settlement of free Indians, and would not enable employers during the first period of indentured service to dispense with the yearly grant of £10,000 from the general revenue.

11. We think that the time has arrived when efforts should be made by the Government of this Colony to solve the vexed question of labour by supplying it from the Kaffirs resident within the Colony and in the neighbouring States.

The population of the Colony may be thus stated, roughly: there are 370,000 Kaffirs, 36,000 Whites and 90,000 Indians; of the latter about 9,000 are indentured men, women and children.

It is a startling fact that hitherto it has been found impossible to obtain, from 370,000 Kaffirs, labourers sufficient to do the work now performed by indentured Indians, of whom only 5,616 are men.

We are aware that, from time to time, individual employers have endeavoured to obtain Kaffir labourers, and that, as regards continuity of supply, their enterprise has not been crowned with success. Experience has shown that Kaffirs object to bind themselves for a long period of service; after 3 or 6 months steady work they are seized with an irrepressible “nostalgia” or longing to return to their kraals, therein to pass two or three months in lazy contentment and indifference to gain. Married men object to bring their wives to share their life in service. Older men, married and settled in their own kraals, find that “improbous labor” is not for them; their women do all that is necessary for the cultivation and reaping of their gardens of maize and amabele, and each daughter, under the present system of “lobola” or marriage by purchase, is worth to her father so many cows, that a man with four or five daughters may be considered as absolutely independent of the necessity to seek his bread abroad.

12. It is difficult indeed for private enterprise to triumph over obstacles so great. If, however, the Government will come to the aid of employers, if it will take energetic action, if it will expend upon a system of Kaffir labour that fostering influence in collecting, and paternal care in retaining, which it now exhibits towards Indian Immigrants, success may be expected with confidence.

13. We earnestly recommend that a system, which we shortly designate “a bonus system,” be inaugurated and developed by means of the department of the Secretary for Native Affairs.

14. At the inception of the system, that officer should visit the chief centres where Kaffirs are located in Natal and should personally explain, to their chiefs and to the Administrators of Native Law, the details of the system which the Government desires to introduce and the advantages obtainable therefrom by the natives themselves.

15. He should thoroughly satisfy them that they will be under the fostering wing of the Government, that the contracts, by which they will be bound, will be made for them by the Administrator or Resident Magistrate nearest to the place at which their service will be passed, that their comfort as regards food and lodging during their indentured service will be secured, that complaints by them against their employers will receive prompt attention from the Administrators, Resident Magistrates, or other
duly constituted authorities, and that, with reference to more serious offences, they will be free to have recourse to Courts of Justice without coercion or hindrance.

16. The longest period of service should not exceed 12 months; we think that sugar and tea planters ought to be, and that they will be, satisfied with that period. Farmers and others in the upland districts, whose requirements might be met by a shorter service of 6 months, could be supplied with men willing to work for that term. We think that 6 months should be the minimum period for which the new system should provide.

17. At the termination of his service a bonus should reward the man who has done faithful work. It would not be necessary to fix the 12 months' bonus at a higher amount than £3, a sum less by £1 than the yearly installment now paid to the Immigration Trust Board by the employer of an indentured Indian; the 6 months' bonus should not exceed £1.

18. The amount of the bonus should be payable, upon allotment, by the employer to the Administrator of Native Law or Resident Magistrate through whom the contract has been made. Such Administrator or Magistrate should be authorized to pay to the man bound for 12 months one-half (£1 10s.) of the bonus at the expiration of 6 months satisfactory labour and the remaining half at the expiration of the full period. The man bound for 6 months should not receive any portion of his bonus, £1, before his time has been completed.

19. Details might be elaborated as the system developed, and, in order that this might be effected easily and smoothly, new rules, framed by the Secretary for Native Affairs after conference with Planters' Associations and Agricultural Societies, might be confirmed by His Excellency the Governor as Supreme Chief over the native population of Natal or by His Excellency in Council.

20. Throughout the Colony the Kaffir is preferred to the Indian, as a labourer, in all respects save one, his dislike to remain in service for a long period. Some may be inclined to the opinion that the Kaffir would prove unfit for such an industry as that of tea, requiring care in details and sustained attention apt to become tedious and irksome. Against such fears we quote the words of Mr. J. L. Hulet, M.L.C., the proprietor of the Kearsney Tea Estate, who said to us, "I believe that, if native labour was cheap and reliable, every industry that the Colony is engaged in could be managed and carried on with the Kaffir labour. I do not find fault with the Kaffirs, if you can get a reliable supply." As to the fitness of the Kaffir for work on the railways, Mr. Hunter, the General Manager, stated that, if the supply of Kaffirs could be rendered reliable in continuity, he had no doubt that they could be taught to perform satisfactorily, nearly all the duties now performed by the Indians employed in the department.

21. The system would certainly be as attractive to Kaffirs of neighbouring lands as to those within our own limits. If the affairs of Zululand should be peacefully settled, the supply from Tongoland would probably re-commence, and this desirable consummation would be hastened if the Governor of Natal, as Special Commissioner for Zululand, would direct the Zulu Chiefs to abstain from molesting the Amatungas as they pass through Zululand.

With reference to the supply of native labourers from an area outside of this Colony, from the inland tribes, we invite attention to the able report of the Select Committee, appointed to consider the introduction of native labourers from beyond the border of the Colony, dated November 13th, 1872, and the valuable memorandum, attached thereto, from Sir Theophilus Shepstone, then Secretary for Native Affairs. Even then, 14 years ago, that experienced officer was strongly of opinion that this Government should act paternalistically towards natives from beyond our borders, as it then acted towards Indian immigrants.

22. The labour force thus supplied would have a large percentage of strong and healthy men from 18 to 30 years of age, as such men would be induced, by the exigencies of the lobola system, to go from home to earn money for the purchase of cattle.

23. It would be possible to arrange for a continuous succession of gangs. Kaffirs become attached to kind employers, and it would be found that men, who had rested for a time at their homes after one period of service, would desire to return to their old masters for further work. Such men, being familiar with the details of their work, would be valuable servants, and it would be highly desirable to encourage and gratify such desires.
24. Kaffirs would be satisfied with wages ranging between 12 and 15 shillings per month. It is in evidence that shortly before the last (1886) collection of hut tax a chief, living within our own borders, sent out 60 young men to obtain employment: they could not secure it, even at the rate of 5 shillings per month as wages. We can understand their want of success, if they were unwilling to work for a fixed period satisfactory to employers; we think that the real reason was the fact that employers have their wants supplied by Indians already indentured to them. Of course, the presence of Indians, indentured and free, now operates to the prejudice of Kaffirs seeking employment under white colonists.

25. We have already observed that the bonus for 12 months' service would be £1 less than the amount of the yearly instalment now paid by the employer of an indentured Indian. An employer, who might find it convenient to change his servant once in 6 months, could obtain from 2 men labour for a whole year for a joint bonus of £2, a sum less by half than the annual instalment now paid for an indentured Indian.

26. The cost of the monthly rations consumed by a Kaffir would not amount to more than a half of that of the monthly rations of an indentured Indian. The Kaffir would consume nearly the same articles as the natives grown in Natal, and would be totally independent of such articles as imported rice, dholl, ghee, and dried fish.

27. The heavy medical fee of one shilling per month, now paid by the employer for every adult Indian labourer under indenture, would not be necessary if Kaffirs were the labourers. The superior physique of the Kaffir, working in the land of his birth and under his own kindly sun, would ensure, to a very great extent, immunity from sickness.

Medical inspection, before signing contract, would not be necessary, and the present cumbersome and oppressive system of estate visitation would be largely modified to the benefit of the employer.

Hospital fees and the cost of medicines would be at least one-third of their present amount. Some kind of medical supervision would doubtless become necessary, as the system developed and after large bodies of Kaffirs had congregated on estates and farms.

We think that a medical fee of 3d. per month for each adult Kaffir labourer would prove adequate to meet all the necessities of the situation.

28. The saving in expenditure, under this bonus system, may be well illustrated in the case of the Government Railways.

On May 31st, 1886, the Railway department employed 814 Indians, of whom 543 were indentured and 217 were free. Of the latter, experienced men received wages varying from 17 shillings to £1 6s. per month.

The amount paid for medical fees for 1885 was £322.

The cost of rations is about £4,000 per annum.

We are confident that a great saving would be effected in wages, but, omitting that item, we may tabulate the expenditure of the two systems, thus:

<table>
<thead>
<tr>
<th>Yearly instalments for 543 indentured Indians</th>
<th>£</th>
<th>Probable payment, under a bonus system, yearly.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical fees for 217 free Kaffirs</td>
<td>2,172</td>
<td>£2,442—Bonus for 814 Kaffirs, yearly.</td>
</tr>
<tr>
<td>Rations for 814 men</td>
<td>322</td>
<td>122—Medical fees for 814 Kaffirs at 3d. each per month.</td>
</tr>
<tr>
<td></td>
<td>4,000</td>
<td>2,040—Rations for 814 Kaffirs.</td>
</tr>
<tr>
<td></td>
<td>£6,494</td>
<td>£4,569</td>
</tr>
</tbody>
</table>

From these figures it appears that a sum of £1,880 could be yearly saved in the Railway department under the system which we advocate.

29. We are impressed with the necessity, at a time when the Colony is labouring under a depression of the most serious nature, of so moving that its agricultural development shall not be restrained. We are anxious not to imperil the interests of those persons who have been induced, by an abundant and continuous supply of Indian labour, to invest their capital in large industries of undisputed benefit to the whole Colony. Nevertheless, we think that the time has arrived when the revenue contribution in aid of Indian Immigration should be withheld.
30. We recommend:

a. That the revenue contribution in aid of further immigration from India shall cease, that the grant from the general revenue shall not be used save as may be necessary to meet liabilities already incurred by the Indian Immigration Trust Board. This discontinuance of the grant will throw upon that Board the burden of devising other arrangements which may be found necessary to meet any money deficiency arising from the change.

b. That the employers of free Indians, working in the period between the 5th and 10th year of their colonial residence, be required to pay to the Immigration Trust Board a yearly sum equal to the yearly instalment paid by the employers of indentured Indians.

c. That the period, in which an Indian may claim his free return passage after the expiration of 10 years colonial residence, be shortened from three years to one year.

d. That a bonus system for Kaffir labourers be introduced without delay. The General Manager of the Government Railways is willing to lead the way and to employ, in lieu of Indians, Kaffirs supplied under the new system.

31. If the sugar planters will give their earnest aid to the new system, if they will indent for Kaffirs in place of Indians, success will be assured. The necessity for Indian labour will gradually cease, the number of Indians in the Colony will yearly diminish, and those who finally settle here will be engaged in industries prejudicial neither to the Kaffirs nor to white colonists.

Lastly, with the diminution of our Indian Immigrant population will depart the necessity of maintaining that special system of Indian Education which imposes upon this Colony a yearly burden of £1,500.

WALTER WRAGG,
Puissance Justice,
Chairman.

* JAMES R. SAUNDERS.

ROBERT LEWER,
Brigade Surgeon, Medical Staff,
Senior Medical Officer, Natal.

HENRY F. RICHARDSON.

* Subject to certain remarks or objections to some portions of the report which accompany it.

FURTHER REMARKS OF MR. J. R. SAUNDERS.

CHAPTER IV.

Railway Enquiry.

I must add a few remarks:

It is clear that in holding these Special Courts, and recording sentences in the Case Book, the Superintendent acted in good faith in the mistaken belief that under the sanction of the General Manager he had lawful authority for doing so—further that the General Manager was aware of what was being done by him.

2. The General Manager believed that clauses 7 and 8, referred to in the report, were sufficient authority for his framing these and other rules and regulations, which,
he termed departmental. But I am certain it was never intended by the law that he (one man) should have uncontrolled power to do what practically amounts to creation of courts, imposing sentences, &c.

3. The 8th clause of the Law, after it empowers the Governor in Council to impose fines and rates, &c., goes on to say "he shall have power to pass and publish in the Government Gazette, and from time to time to alter, amend, vary or annul regulations for carrying out the provisions of this law," &c.—which regulations shall be published in the Government Gazette, and laid before the Legislative Council at the next ensuing session." It was only under this proviso that validity could be given to the rules and regulations which the General Manager desired to establish.

4. It is admitted that the General Manager did not send these rules for approval, and the Colonial Secretary did not apply for such as were needed, and that the Protector, who must have known that rules and regulations were indispensable for keeping up discipline in such undertakings as the working of railways, did not apply for them to see how far they affected Indian labourers and required to be altered.

5. Hence, I conclude, that the wrong, so far as concerns the illegality of the system, ought not to be chargeable to the subordinate, but to the chief under whose sanction, tacit or open, the system had been carried out for years. How far the subordinate superintendent is responsible for the execution of those duties is another matter.

6. It is but fair to bear in mind that the Superintendent was the one voluntarily to tender his case book, which seems to have been somewhat of a private record, and in so doing he actually became the one to incriminate himself—which he certainly would not have done if he had known how illegally he was acting—and the wrong had been going on openly for years without being called in question till, deluded by the Indian Jones's conspiracy, the Protector reported on the irregularity, and appeared serious charges of cruelty.

7. To revert to the cases themselves—we have the clearest possible proof from evidence of medical men, past and present, from others, and from the men themselves, that the very sentences recorded in the book were not and could not have been carried out. For instance no such thing was known on the place as "Canjee water" or low diet; even the sentence of lacking-up for such and such a period could not have been carried out without coming under the notice of some medical man. In truth the case book seems to a great extent an idle threat, actually paraded as evidence of that which was both illegal and unwise.

8. Outside of its own foolish threatenings, after weighing all the evidence, I am forced to state, as the result of a careful investigation, that while irregularities and illegal stoppages have not been infrequent, and not justified by law, we have ample proof that there has been no harsh treatment of master towards employed, such as might have been inferred from the way these charges are preferred.

9. For instance the whipping case—(sole record in this self-accusing book of corporal punishment having been resorted to) I can see nothing in its details that could not have been dealt with as an ordinary case of complaint before the Magistrate.

10. We have ample evidence that Indians have no fear of preferring complaints to the Protector and Magistrate even where it is adjudged there was no case—why sensational prominence was given to this as deserving a special report to the Governor I cannot see.

11. Taking the other case, which as it appears in the papers looks like a heartless instance of cruelty, and is calculated to create a prejudice to start with. The result is clear beyond a doubt. From the Protector's own evidence, the Government medical man had often prescribed this same rubbing with mustard and sand for pains. The Protector added "and a very good application it was," and not a rough one—and yet a somewhat sensational aspect is given to the charge. I admit I felt a painful relief on obtaining a clear explanation so completely rebutting what looked so bad from the way in which the charge was preferred. In truth the real cruelty was the effect likely to be produced against those apparently implicated in the charge.

12. Medical opinions given in the report are not such as I feel called on to remark on—except that where no shortcoming in respect to space or sanitary arrangements had been brought to the notice of the manager by the Government medical officer,—the General Manager cannot fairly be held responsible, unless any such notices had been disregarded.
The medical condemnation contained in the report appears to me to confirm the objection to the medical circle system. I repeat, in equity, it takes, or rather ought to take, all responsibility off the employers' hands, as it gives the employer no control or influence whatever over the medical man.

CHAPTER VII.

Pollution of Streams.

1. As to the Report on Pollution of Streams and the difficulties connected with legislation thereon, and that on the Water Supply, I regret to say I entirely disagree, and in doing so feel called on to give a few more prominent reasons for so doing.

2. I must premise that as soon as our enquiries proved how remarkably small the death-rate of the Indian population in this Colony was, it appeared to me that this itself at once removed further investigation of the subject from the scope of enquiry of a commission which was appointed with special reference to the Indian population—and that this relegated any further steps (if needful to be taken) to the broader field of its general colonial bearings and their more varied requirements, all which would involve researches outside of the opportunities of this Commission.

3. The review made in this report of the incidents connected with this subject since 1875, and the agitation which was kept up, tend I think to prove that if there was no exaggeration on the part of the complainers of the evils there referred to and the greater ones which were dreaded, these, to say the least, must have been greatly reduced (as the 40th clause of the report itself testifies) through the successful efforts of owners and the money they spent in seeking to make improvements.

4. But even admitting, as all must, that evils do exist, and that in a new and sparsely-peopled country, there are foul places, nuisances, and risks inseparable from certain industries most of which might be avoided in some degree—the question still presents itself: can legislation under such circumstances provide a remedy that is not worse than the evil?

5. The real difficulties which led to the rejection of the bills submitted to the Legislative Council were purely practical—the how? the when? and the where? to impose legal restrictions without building up an expensive machinery which would be not only over-inquisitorial and oppressive, but would in most cases fail of its object.

6. So far I have heard of no proposal which meets the difficulty, whilst it is certain that the agitation referred to itself resulted in much good and proved how anxious those who contributed to cause nuisances were to do all they could to remove them (voluntarily) whenever practical means of doing so were shown to them. I do not of course mean by adopting every wild or impracticable idea which impracticable men might suggest in the papers—that would have made confusion worse confounded.

7. Touching on some of the recommendations of this report, let me point to Clause 44 among others and its prohibitions, and inquire what machinery there is to enforce compliance, and how can this and other prohibitions be made operative in outlying places whilst even in the centres of our population, where sanitary officials and medical men abound, the foul smells and nuisances are far worse and more frequent than in the country.

8. Then again, for instance, take Section 3—which prohibits Indian huts being erected near rivers and slits—how are the distances of those huts from the rivers to be fixed, and what definition is statute law to give of what are huts and what are houses? and why and how limit the prohibition to the huts of Indians more than Kafirs, or others who are of dirty habits, irrespective of race?

9. Then, again, in respect to the suggested appointment of sanitary Inspectors—these men may perhaps do well enough in towns, but they would be of no practical use in the country except to draw salaries and spend them there; and whilst in my opinion these appointments and that, further advised, of a medical officer, would involve the Colony in keeping up new offices which would cost a great deal of money, these officers would be called on to perform duties they would find in most cases impossible to carry out efficiently.
10. I scarcely see how this law, which, as the Report suggests, is to be made of general application, need impose any special prohibition in respect to the Protector of Indians.

11. Looking at the entire question as one who took a good deal of interest in it (when before the Legislative Council) I must admit I see no better course than that referred to in this report as having been proposed by the Legislative Council, July 24, 1884, with simple legislation (if absolutely necessary) to give powers, the Attorney-General considers do not exist.

12. But after all I am more and more inclined to think (and facts confirm this view) that annoyances and nuisances can be and often are better grappled with by judicious and moderate agitation than by severe penalties, prohibitions and restrictions of laws which are often only a "dead letter." Public opinion, wisely directed, is more powerful than the policeman.

13. This of course does not apply to Towns or more thickly populated places —in these the necessary organization can only be constructed under Law—but in Natal powers are already given in the Towns to deal with such matters.

14. And, so far as I can judge, we have not yet collected sufficient information to fit us as a Commission (appointed to deal with Indian matters alone) to propose any measures applicable to the varied interests of the Colony and its streams and rivers.

15. How far a Special Commission to deal with this question alone as applied to the entire Colony is desirable, this is a matter I am not prepared to express any decided opinion upon, further than this—so far as my knowledge and experience go, it would be very difficult to propose any popular measure, and unless popular and popularly supported any law bearing on all the rivers and streams of the Colony will be inoperative.

CHAPTER XIII.

The Durban Cemetery.

How far evidence recorded is calculated to give a sensational aspect to the disgraceful condition of this, I will not say; but it does seem extraordinary that such can have existed on the most frequented road in the Colony where officials of the Government, of the Indian Department, and of the Durban Corporation must have been constantly passing. This alone shows that the recommendations of the Commission as applied to outlying places are impracticable. Where, I ask, are the authorities to be relied on in unpeopled districts of the Colony? Where the money to pay, or authorities to look after other authorities, and so on ad infinitum?—and see that they do their duties?

A general burial law for the Colony, applicable to all, may some day be passed—but the recommendation seems to me neither desirable nor practicable.

CHAPTERS XIV AND XV.

The Durban Depot and its Hospital.

This Depot is practically required for a few days in the year before and after the arrival and departure of Indians; it is within half-a-mile of the public Hospital, and it would seem to me useless expense to establish a fixed and permanent staff, wards, &c. The remarks of the Report about economy cannot be too strongly insisted on; it always seems to me there is so little check on the expenditure of the official department from a sort of feeling "Don't meddle with me, and I won't meddle with you." Then, as elsewhere advised in the report, I cannot agree to the proposal to make referees of medical men, who, the higher they are in their calling, the less fitted perhaps do they become to judge under the new conditions submitted to them. Thus a military doctor, accustomed to the regular system and discipline of camps, can
seldom realize the impossibility of others doing as they themselves do, for want of authority, and the help they can always command among the soldiers; whilst in some other cases we find many able young men, just new from the great Hospital who would (regardless of expense) reproduce the improvements they have seen at home.

As to the accommodation in the Depot, it is but seldom that two ships arrive at the same time, and when they do we learn that tents are provided for the few days they are needed; and I cannot agree under these circumstances that the accommodation is insufficient; besides, in hot climates men often prefer the open air.

I doubt the wisdom of keeping up even the present permanent staff, in view of the reduced demand for Indian labourers. I think extra men taken on when needed would be practicable and better.

CHAPTER XXI.

Rations to Adults.

These have been fixed by Indian authorities, and apply to all the world, and I would not question them. To serve rations in excess of what is required gives encouragement to peculation.

CHAPTER XXXI.

WATER SUPPLY.

1. My objection to this report is very great. I am, indeed, sorry it has been agreed to, as it is calculated (in my opinion) to create a very exaggerated and wrong impression as to what really exists, and so do injustice to many.

2. In truth, this paper seems a most complete contradiction to all that has been proved to, and said by, the Commission on the subject of the very healthy condition of the Indian population and its unusually low death-rate.

3. For how is it possible to imagine health and long life to exist where men live in such filth (as is pictured with so much energy) and are reduced to drink such stuff as is called water.

4. Doubtless men who have seen and know of little outside of well-kept streets and public roads can (if they search) find disgusting sights nearer than they had imagined both in Natal, aye, and in the dirty lanes and ditches at home, and it is easy to understand how in the disgust caused by such novel sights such men are apt to generalize and perhaps paint what they have discovered in over-glowing and so misleading language. But such generalization by its incorrectness must often affect unjustly many who quibe as much deplore the existence of the evil they cannot remove.

5. That much needs improving is beyond question, but I doubt whether there is more in Natal than under similar conditions elsewhere; whilst much justifies me in saying far less than in most places, and in proof to refer to the fact of this being so hot a country and at the same time so free from unhealthiness.

6. I have elsewhere alluded to what I consider the best practical way of making sanitary arrangements to meet the case, where men cluster in numbers, yet not sufficiently large to justify creation of corporate bodies.

7. As to latrines, which are urged, it is probable that when many men are employed, and the individual owner or manager has sufficient personal influence to enable him to enforce any rules he may make (though they have not the sanction of law) without having recourse to distant Courts, and where suitable men can be found to keep them in order, these latrines may be used with advantage. But on the other hand without great supervision, proper machinery and authority to enforce cleanliness, latrines badly kept may cause greater concentration of filth than ever, and sometimes actually tend to the spread of contagious diseases.
8. Doubtless on larger estates the thing admits of being managed, but smaller employers of labour, it should be remembered, cannot (as military men and public officers can) command the services of labourers required to perform unpleasant duties, nor again can they by law be enforced of their own action to punish neglect of the rules they make, whilst it must be evident no employer can be expected to go to distant Magistrates' Courts on all cases of such negligence.

9. The depth at which wells can be sunk depends on the shale below and not the will of the owner. But, after all, the Health Statistics so often referred to prove, I think, that there is no special cause of anxiety in Natal about the water supply or much need for exceptional precautions or legislation.

CHAPTER XXXII.

Grass Burning.

I cannot discover sufficient evidence to justify me in advising legislation of a class character, or such as shall affect special localities.

The subject is a very complicated and difficult one, and affects varied interests in different districts of the Colony, where circumstances and risks encountered are in one place quite opposed to what they are in another, perhaps not far off. I do not see, if fresh legislation is advisable, how the entire matter can be better dealt with than in Committee of the Legislative Council, where members coming from different parts of the Colony can confer and endeavour to reconcile the varying requirements. Until such fresh legislation is considered necessary I would leave the law as it is, and avoid complications.

CHAPTER XXXIII.

The Expenses of the Indian Department.

It should ever be borne in mind that this Department cannot be held to be a permanent one, or those employed on it as in the enjoyment of a fixed position as Civil servants.

In truth if Indian Immigration is reduced or discontinued so would the funds to keep it up fail. Hence the scale on which Immigration is kept up must effect the number of men employed and the salaries paid to them, inasmuch as the fund which supports them arises mainly from Indenture fees, &c., which may disappear.

CHAPTER XXXV.

Medical Fund and Medical Circles.

I do not agree with the recommendation in Clause 2 that in the cases referred to, a medical man's time should be exclusively at the disposal of the employer.

Further, I have a strong objection to the appointment, advised in Clause 7, of a "Chief Medical Officer," it tends to give permanency to a system which, while taking entire control of the medical supervision of estates, leaves the employer responsible in many indirect ways.

Unless you can say to him, that in return for his periodical payments, he has no more to do with the care of his sick than he would have if they were in some public hospital (which is impracticable) you must in equity leave him some authority and control over those who are paid by him to attend to his men.

However, this is a subject on which I feel bound to make some general remarks,
with the object of throwing light on the intention of the laws and their subsequent working.

1. Remarkably generally on the medical circle system as it is being carried out, I must point out that the object seems to make it obligatory instead of using the powers granted in the law which were intended to be purely permissive.

2. I never approved of the law, but its spirit and intention are far better than its working.

The returns required are too numerous, and in many cases will be simply pigeon-holed, except occasionally when convulsive life is given to one or other of them, and they then become applied oppressively.

3. The map of returns numbers records, and leads to those which really deserve notice, being overlooked. Moreover they give excuse for keeping up an expensive staff otherwise not needed.

4. This perversion of the object of the law which was purely permissive and intended to assist employers who see bona fide in need of official aid, has led to the appointment of a fixed staff of medical men everywhere; to the mapping out of the country into districts or circles—and to taking the care of the sick out of the hands of the employers without relieving them of responsibility.

5. Out of this organization soon sprang up a separation of the medical fund from the general trust funds, and as is usually the case, the official instinct considering that if the money is there it must of necessity be got rid of, so, on this, new arrangements were constantly proposed which in their turn led to fresh demands for money.

6. It seems necessary, in order to a clear understanding of the subject, to trace out the progressive course of legislation.

7. First by Law 20, 1859, the employer was bound to supply medical attendance. But (and this is important, and ought not to be forgotten as indicating the spirit of legislation) under the same law, the employer was to deduct one shilling a month out of the servants’ wages to repay himself the cost of this medical attendance.

8. When the Indian laws were consolidated in 1870, this principle was not abandoned, but as shown by two schedules of forms of contract, it is permissive—either, under one form the money is deducted from the servants’ wages, or under the other it is not.

9. It soon became evident when Indian Immigration was re-opened that in certain outlying localities the employer (unless aided by Government) would be unable to procure the services of medical men.

10. And it was to meet this difficulty that Colonel Lloyd the first Protector (who had had a long Indian experience) proposed that Law (12, 1872), which is the foundation of the present system; and clause 3 was to enable the Protector to provide medical attendance where the employer could not do so himself or where he otherwise failed to carry out the intention.

11. He therein applied for the necessary powers to authorise him to supply a medical attendant where desirable, and in return for this the employer was to be called on to pay a monthly sum to the department to recoup the cost.

Colonel Lloyd’s plan was to send to India for Indian medical hospital attendants, who, he thought, understanding the language, would satisfy the Indians better. He estimated that they could be had for £100 a year, and the first law accordingly fixed £100 a year as the maximum of the repayment to be made by employer at 6d. per month.

12. Thus the Law was, as I have said, purely permissive. It gave the Protector powers to assist the employer in certain cases, and it was in these that the Governor was to appoint the medical men, and to call on employers for a corresponding subsidy fixed by law not to exceed a certain sum. These laws also authorised regulations being made for carrying out their objects. But the legislation which fixed the maximum quota to be paid by the employer, certainly never contemplated by the rules and their operation, he should find himself liable to pay for more (and that to an unlimited extent) than the maximum named in the act itself. This maximum, as before stated, was fixed in the first Law at 6d. per month, and in a subsequent law it was altered, and made not to exceed one shilling per month.
13. The evidence before the Commission clearly shows that under these regulations the employers have had to pay very much more than this. Mr. Dumont’s case is but a common one, and moreover there is this further injustice which must be noted, that whilst the appointment and control of the medical men are taken entirely out of the hands of the employer, the employer seems to be held responsible for all shortcomings connected with the discharge of the duties of the attendant and the care of the sick men.

14. It must be premised, to follow out the progress of legislation and its intention that the first Protector, Col. Lloyd, proposed to get out Indian hospital attendants; this met with great opposition, not only from other medical men who had looked on the shilling a month somewhat in the light of a vested right, but from the inhabitants of small outlying places, who had before the introduction of Coolies been obliged to subscribe so as to retain medical practitioners in their districts. To these, the shilling a month paid by employers of Indians to European doctors had been a relief, and benefit gained at the cost of the planters, of which they would be deprived if Col. Lloyd’s plan was carried out.

15. This opposition led to the law being altered—the £100 a year allowed to the Protector to procure medical aid was increased to £300—and though the permissive character of the Law remained unaltered, its intention was gradually lost sight of in practice. Government having the appointment of the medical men, to be paid by the planters, fixed the maximum of £300 a year as the rule, although it only paid £150 a year to District Surgeons, and it then proceeded to divide the place into medical circles—a system to which the public gladly assented, as it benefited by this quasi medical retainer paid by the employers.

16. The sequence of thus distorting a permissive and exceptional Law into a compulsory and universal one, led to the idea of keeping medical funds separate; and so as to meet these £300 a year appointments, all estates were called on to fall within its provisions, whether their medical arrangements had been heretofore satisfactory or not—and thus the medical fund increased, and officialism rejoiced over the surplus.

17. But, as in the turning of a wheel, as the funds increased, so it became a question how to spend them—and then central hospitals were thought of. These of course were approved of by the circle doctors, who naturally favoured the idea of having the sick men moved from the estates to places where they could attend them with so much less trouble; especially as the extra cost attendant thereon was made chargeable on the planters, regardless of the maximum of the shilling a month fixed by law. The inhabitants of the smaller places where the hospitals were to be built were also ready to support any proposal which involved building and thus spending money in their neighbourhood, and thus it was that central hospitals got erected at the planters’ cost, and charges for medical care were being constantly increased under cover of regulations framed regardless of statute which had limited the cost.

18. The central circle having become a fixed idea, and salaries of £300 a year looked on as a vested right of the Profession, the question soon cropped up again, how to keep up this medical fund with the ever-increasing calls upon it, and on the planters. The early practice was to charge a shilling a month on indentured men, but it was soon after proposed to make a similar call on employers of free Indians. To this proposal the employers of indentured men assented, scarcely reasoning, but rather feeling that they were being hardly dealt with; they hoped it would lead to a reduction of the shilling a month they had been paying, a hope which has proved sadly delusive.

19. Doubtless the employer is bound towards the free Indian to provide necessary medical attendance, but I cannot but think that (unless the Governor or Protector, acting under the law, distinctly intimates to the individual employer that for some specified reason he has felt called on to name some medical attendant) till then the employer is not justly liable to contribute to the fund; but that, when he becomes so, the least he can claim is that the Protector should see that he receives the due medical attendance for which he is made to pay.

20. But here comes another question. Is it (practically) possible for circle doctors to pay these periodical visits wherever free Indians are employed? And if they cannot do so, what benefit does the Indian derive (for whose special advantage the law is supposed to be made) from having a doctor named by the Government, who perhaps never appears, whilst it is sought to make the employer just as responsible as if he had control over his medical attendant, and was not paying anything to the fund?

21. If the law were carried out in its original intention—viz., to enable Govern
ment to aid employers where they cannot otherwise secure medical attendance, there is nothing in it to prevent the larger estates or clusters of estates from making their own arrangements with medical men so long as they satisfy the reasonable requirements claimable from them.

22. This would of course upset the £300 a year circle appointments, but would do no harm to medical men, who, instead of fixed stipends, would earn their incomes partly by private practice in attendance on Indians free or indentured, and partly, in special cases, under agreement with the Protector for attendance on those estates where he has reason to be dissatisfied. But here I would remark that it appears to me that wherever these powers are compulsorily made use of, the spirit of the law requires that some reason should be given to the employer who is deprived of the right of selection of, as it were, his own family doctor.

23. But to impose a rigid system so as to compel people, as it were, to pay black mail to a fund so as to keep up these salaries and these central hospitals, regardless of the benefit they derive from them, seems unjust, and will end in being self-destructive.

24. It seems impossible equitably to claim payment from employers of free Coolies, unless the Protector, who receives their money, is responsible to the master to this extent at least, that medical attendance shall be regular, and duly and efficiently performed.

25. It seems to me opposed to all idea of right to take away from the employer all control over the medical men appointed to attend on his servants, to charge him fees far in excess of the maximum fixed by law, and still to seek to make him responsible for neglect which he cannot prevent, and on no better plea than that the medical fund must be kept up.

26. So long as men prosper, they may pay and submit, but all industries are sooner or later pulled up short by the limits created by the cost of production as opposed to what it realises.

27. Though the Commission has taken no evidence upon the subject, my own personal knowledge and enquiries leave no doubt that I shall be borne out in saying that medical charges on Indians in Natal are far in excess of those in any other Colony, and that the system adopted in this Colony would compare very unfavourably were it not for the remarkable healthiness of the climate.

Heresewith are extracts from the Laws referred to:—

Law 12, 1872-3 reads thus—

"The Lieutenant-Governor may, and is hereby authorised, to appoint a duly qualified medical practitioner to attend upon the Indian immigrants employed on any estate or estates, and upon any such appointment the proprietor of the estate, or the employer of such Indian immigrants is released from his obligation to obtain a duly qualified practitioner."

By the 4th clause—

"The employer is authorised to deduct from every Indian's wages during the continuance of such appointment 6d. per month."

These Laws were amended as to the amounts by subsequent legislation, which, however, retained the same permissive and exceptional principle.

Law 19, 1874, Clause 2, reads—

"Every employer on any estate for which the Lieutenant-Governor may have appointed a medical practitioner as aforesaid."

Then, again, Law 14, 1875, uses the same expression—

"For which estate the Lieutenant-Governor may have appointed a medical practitioner as aforesaid."

There is a power given in this last Law for imposing extra fees upon employers of Indians admitted into such last-mentioned hospital, but this is restricted specially to the Durban Hospital.

From all this it seems to me a question whether a large portion of the medical fund has not been illegally levied.
CHAPTER XLII AND XLIII.

General Condition of Indian immigrants, and their Savings.

I have only to say, I question very much whether the prevailing idea that their competition has injured white Colonists is correct. As a Colonist of more than 30 years standing, I can confidently say as a fact that prices of grain, vegetables, poultry, butter, &c., were never so low as before they came into so-called competition as growers. Even mealies rose in price for several years after they came in as agriculturists. The fact as affects prices seems this— with depression prices were low; everyone took what he could get; Indian immigration brought prosperity; prices rose; people were no longer content to grow or sell produce for a song; they could do better; war, high prices of wool, sugar, &c., kept up prosperity and prices of local produce in which the Indians dealt; and we have recently had to deal with the reverse, fall in wool, sugar, transport, cattle, and with universal depression, fall in prices, which is wrongly attributed to their competition.

May it not rather be said that high prices led to over-production for local consumption, to which succeeded the necessity to export, and therewith the fall to export prices.

CHAPTER XLIV.

Continuance of present system of Indian Immigration.

It is misleading to speak of this as involving an annual grant of Ten Thousand Pounds. This is a public contribution of one-third towards the cost of that Immigration, "which shall not in all exceed Ten Thousand in one year."

1. I do not agree that it is time this should cease. It is most unjust that the public should take the free Indians during the most valuable years of their industrial residence as servants and in other useful capacities, and insist that the entire cost of their introduction shall be borne by those who applied for them, and who benefit in a far smaller degree by the worst and more sickly years of their services.

2. If the withdrawal of this public contribution, which already falls so far short of the proportionate benefit enjoyed by the public, is decided upon, then I agree the alternative would be a return to the older principle (which was so terribly evaded) that employers of free Indians should be called upon to pay fees; and I add that those Indians who do not enter into service during the second period of 5 years' residence should contribute a corresponding sum to the Trust Fund.

3. It is certain, cultivation of the soil, whether by planters or up-country employers, cannot afford to pay heavier indenture fees than the present. The question resolves itself into this—can the Colony afford to put a check on production? and what effect would this have on the revenue, or progress and the employment of colonists?

4. I do not anticipate that the Native Bonus proposal will succeed. I was many years ago prime mover in a similar attempt to develop native labour. Though I failed then I should be delighted if some other scheme like this did prove a success. But remember, "A bird in the hand is worth two in the bush," and do not let us cast away the more certain supply we have on the chance that what has failed so often before will answer now.

5. Let us draw out native labour by all means in our power, and it is certain that no one will incur heavy and distant liabilities to send for Indians if, as the Commission believes (which I do not) equally good or better labour is to be had without.

6. I must here emphatically protest against this being viewed as a planters' question. I view it as affecting Colonial industries and their development, in the broadest sense—as a question affecting the progress of the Colony, its revenues, public benefit, and comfort, and above all as being the most practical way yet suggested in which white colonists may secure profitable occupation in a colony situated like ours, and I repeat, it is far less exclusively a Planters' question than a Public one.

7. People seldom value that which costs them nothing; hence, the idea has
gradually prevailed that this labor supply, of which the Public secures the lion's share whilst the Planter pays most of the cost, is a matter in which planters only are interested. But I must here refer to the past and show how great this error is and how it has crept in.

8. When the first applications were made for Indians in 1859 and after years, as the lists will prove, the number applied for for domestic purposes and other general occupations up-country or on the Coast was very large in proportion to the number asked for by planters.

It was only some years afterwards, when indentured men became free, and were drawn off from country work into the towns, for domestic and other purposes, that townpeople, finding the supply of servants ready to hand to choose from without cost, left off indenting for servants as they had done before.

9. Thus country employers, finding their free men drawn off by the towns, practically became the principal applicants for more, and on them fell the main cost, whilst the townpeople, being supplied, sent for only a few, and spent comparatively nothing in support of the fund.

10. It was only as the public began to realise how unjustly the burden of a public benefit was being borne, and how inconvenient it was in practice to exact periodical charges on employers for short services of the free men, that the system of the Revenue contributing one-third to the fund was adopted.

11. In process of time this contribution became wrongly looked upon as a contribution made by the public revenue to support a particular interest, whereas it was, as shown above, made to cover a portion only of the benefit enjoyed by townpeople and others who were getting labour supplied them at the cost of one particular interest. This was unfair then, and would be equally unjust now.

12. I return to the consideration of the question as one of broad public interest. One thing is certain—white men will not settle in Natal or any part of South Africa to become mere hewers of wood and drawers of water—rather than that they will leave us, either for the vast interior, or by sea.

13. Whilst this is a fact, our records prove, as do those of other Colonies, that the introduction of coloured labour which develops and draws out the hidden capabilities of the soil and its unoccupied acres, opens out at the same time numerous unforeseen fields for the profitable employment of white settlers.

14. Nothing more clearly proves this than our own experiences. If we look back to 1859, we shall find that the assured promise of Indian labour resulted in an immediate rise of revenue, which increased four-fold within a few years—mechanics who could not get away and were earning 5 shillings a day and less, found their wages more than doubled, and progress gave encouragement to everyone from the Berg to the sea. But a few years later alarm (a well-founded alarm) arose, that it would be suspended (the records are there to correct me if I am wrong). Simultaneously down went revenue and wages; immigration was checked; confidence vanished, and retrenchment and reduction of salaries was the main thing thought of—and yet another change some years later, in 1873—(long after the discovery of diamonds in 1868) a fresh promise of renewed Indian Immigration created its effect and up again went the revenue, wages, and salaries, and retrenchment was soon spoken of as a thing of the past—(would that this were so now!)

15. Records like these ought to tell their own tale, and silence childish race sentimentalities and mean jealousies.

16. In further and collateral corroboration of the effect of introduction of coloured labor on the welfare of white settlers, let me refer to a speech made by the Duke of Manchester, who has so identified himself with Colonial interests. He had just returned from Queensland, and told his hearers that the result of an agitation there hostile to the introduction of colored labor had proved most disastrous to those very white settlers who had hoped, by checking the supply of imported colored laborers, to destroy competition which they wrongly imagined deprived white settlers of work.

17. It had been proved, the Duke said, that in the proportion of 3,000 colored men who left the Colony, so 1,000 Europeans found themselves out of work. This evil result had been realized, but only when too late. I can only conclude, by urging, don't let us discover any such error on our part, too late.

18. In Mauritius, in Natal, and elsewhere, this one result has followed the intro-
duction of colored laborers when the demand for labor for profitable enterprises was greater than the supply—viz., its effect on the development of enterprise has invariably pushed up older settlers and better classes who otherwise could get nothing fitting to do.

Trade Competition.

19. I do not agree with those who attribute the advent of so-called Arab merchants to the Coolie Immigration; it was the railway contractors 14 years later, who, when they sent for laborers to Mauritius, first attracted their attention to Natal; a few at first, followed by others; and the trade activity and war added to their numbers, as it did to the number of commercial men who flocked from all parts of the Continent to Natal and entered into competition with colonists.

20. So far as concerns free Indian traders, their competition and the consequent lowering of the price of articles of consumption, by which the public benefits (and yet, strange to say, of which it complains), it is clearly shown that free Indian shops have been and are almost exclusively supported by the larger firms of white merchants, who thus practically employ these men to dispose of their goods. It was really the action of these large firms that did actually transfer the trade of the former white Kafr-store keepers to others. Of late years the Arab has superseded both white and free Indian Kafr-store keepers; but even now, the few free Indians who still do this trade derive their main support from white fires and not from the Arabs. Commercial depression and failures in trade will alone relieve colonists of the competition of the Arabs and others who are so much complained of; but I venture to doubt whether colonial traders would like to pay so large a price for the relief. Arab merchants are found where trade is good, and so are competitors from all parts of the world.

21. Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and feel convinced that many who now advocate the plan, when they realize what it means, will reject it as energetically as I do.—Stop Indian Immigration and face results, but don't try to do what I can show is a great wrong.

22. What is it but taking the best out of servants (the good as well as the bad) and then refusing them the enjoyment of their reward? forcing them back (if we could, but we cannot) when their best days have been spent for our benefit. Where to? Why, back to face the prospect of starvation from which they sought to escape when they were young—Shylock-like, taking the pound of flesh, and Shylock-like we may rely on it, meeting Shylock's award.

23. Stop Indian immigration if you will; if there are not enough unoccupied houses now, empty more by clearing out Arabs or Indians who live in them, and who add to the productive and consuming power of a less than half-peopled country—but let us trace results, in this one branch of the enquiry, taking it as an example of others—trace out how untenanted houses deprecate the value of property and securities—how, out of this must result stagnation in the building trade, and those other trades and stores for supplies dependent on it—follow out how this leads to a reduced demand for white mechanics, and with the reduction in spending power, of so many, how fall of revenue is to be expected next, need of retraining, or taxation, or both—let this result, and others far too numerous to be calculated on in detail, be faced, and if blind race sentimentalism, or jealousy is to prevail, so be it. The Colony can stop Indian Immigration, and that perhaps far more easily and permanently than some "popularity seekers" would desire: but force men off at the end of their term of service, this the Colony cannot do—and I urge on it not to discredit a fair name by trying.

24. In support of this, I need do no more than quote Clause 3, Article IX, of the Convention between England and France, 1861, under the conditions of which the French Government is alone permitted to take Indians to its Colonies. It reads thus: "If it can be shown that his (the Immigrant's) conduct has been regular and that he has the means of subsistence he may be allowed to reside in the Colony without any engagement, but from that time he will have lost his right of free return passage."

25. It is true, in Australia and America measures are taken to check Chinese Coolies coming in, so may we check immigration of all sorts. But nowhere, that I can find, can well-behaved people be forced out of a country for no other reason than
this—that they refuse to bind themselves, either by prior or after contract, to the practical slavery of "perpetually-to-be-renewed" indentures of service, or, as in this case, expulsion.

26. Still less do I sympathise with those who say, stop Indian immigration, and it will result in giving us white servants, instead of coloured. Perhaps it may, but let us enquire how it would do this.

Simply in this way:—Depression, which will throw white settlers out of work, may force some few, with their wives and daughters, who now earn small but independent competences, into domestic service alongside of the Kafir.

The same depression which will drive Arab merchants out of trade competition, and others also, may drive some better-to-do countrymen into service—to the sole advantage of wealthier classes, who naturally prefer white to black servants.

27. But I, for one, will never advocate a policy which I feel certain will pull down the European instead of lifting and keeping him up above the level of those who—(philanthropists may say what they will to the contrary)—are inferior at present in everything that constitutes civilisation, and I will continue so during my life, at any rate.

28. The truth must be faced by those who would long to see Natal a white Colony in the sense in which Australia is one. Natal is not a pastoral country like Australia, where white men can live as shepherds, and population (measured per square mile) very far smaller than that of white colonists already settled in Natal, suffices to occupy the thousands of acres of pasture land.

29. In Natal our white population to the square mile is already far denser than in some of those colonies. Natal aims at developing the produce of its soil, at finding profitable employment for as large a white population as it can. In my belief this is only to be done by a well-regulated system of importing as much field labour as there is a demand for, recognising that the position of Natal is somewhat like that of Queensland, as described by the Duke of Manchester, where it is the supply of coloured labour that creates openings for the European or white settlers.

FURTHER REMARKS ON CERTAIN REPORTS.

I do not feel called on to record any remarks on those several reports headed respectively:—1, Indian Interpreters; 2, Judicial powers of the Protector; 3, Marriages and Divorces; 4, Indian Immigration Trust Board; 5, Prisons. The Chairman’s experience should give special weight to his opinions on these subjects. Nor need I add remarks to those on—6, Leprosy; 7, Liquor; 8, Infanticide; 9, Labour; 10, Central Hospital buildings; 11, Rations to Indian women; 12, Certain suggested amendments; 13, Habitations.

In conclusion, I cannot close my remarks without asking leave as a colonist whose interests are chiefly bound up in any result that may be arrived at, to tender my personal thanks to Mr. Justice Wragg and Doctor Lewer for the very great labour they have given to a matter in which after all they could feel no personal interest, and especially for the very great impartiality shewn by them throughout.

If I have differed from them in some cases (and after all these cases are not numerous) it has been with the fullest acknowledgment of the motives that actuated them. Their work has been long, and that of our Chairman most laborious, and I feel they are entitled to the very best thanks of colonists for their earnest desire to do the right thing, whatever may be the differences of opinion which may arise respecting the reports themselves.

JAMES R. SAUNDERS.
INDIAN IMMIGRANTS COMMISSION.

EVIDENCE.
I was appointed Deputy Protector in November of 1882.

My jurisdiction extends over the whole of Pietermaritzburg County (with the exception of south of the Unkomaas), Umvoti County, Weenen County, and Klip River County. I have jurisdiction up to the northern boundary of the Colony.

I cannot give exactly the number of indentured cooies in my jurisdiction; I think that their number is about one thousand two hundred.

I cannot give the number of free Indians.

The section, as to obtaining the number of free Indians, is not acted on. We cannot obtain the exact numbers of free Indians employed in the up-country districts. I cannot give the number of free Indians in my jurisdiction.

I think the number of indentured Indian women in the up-country districts would be in the same proportion as in the rest of the Colony, viz., 40 per cent., which is the proportion in which they are imported.

I think that it is a wise provision of the Indian Government that there should be 40 per cent. of females, but unfortunately in practice there is one evil result—there are not 40 per cent. of respectable females who come with their husbands, or families, and the proportion has to be made up by touting in the cities just before the ship leaves India.

I cannot say how many come as married women; I should say, by conjecture, about half. In the same way I cannot say how many come as single women.

In regard to Law 12 of 1872, 14th section, I cannot say how many persons have forwarded the returns contemplated by this Law, but I frequently register marriages. Looking upon the wording of the 14th section of Law 12 of 1872, I consider all those, whom I have registered, legally married. I should be glad to consider that the registration constitutes a marriage.
With regard to the 18th section of Law No. 12 of 1872, I have dealt with coolies as to questions of adubery, but have not inflicted punishment. Under the 18th section I have had cases before me; I have reprimanded them, but I have not inflicted a penalty.

I have had cases under the 14th section, where men, whose marriages were registered under that section, have taken relatives of their wives, say younger sisters, as second wives, with consent of the first; I refuse to register these second "wives." The man and the first wife have come before me, bringing with them the younger sister to be registered as a second wife, and I have always refused.

We have some second wives registered in the Colony, but all such cases are cases in which the men have arrived with two wives.

I have not considered that I have the power of divorcing persons under the 14th section of Law No. 12 of 1872. The Protectors have wished for such power, and have applied for it, but they have not received it.

Under the 18th clause I have not had cases of seduction.

I have had cases brought before me as to abduction of unmarried girls. I do not think that in cases of abduction, I have afterwards registered the marriage of the parties, that is of the girl and the abductor.

The average yearly number of births can be obtained from the Protector, although I think that it will be defective; I think that many births are not registered. I think that the infant mortality is large, arising from the frequent changes of weather and from the want of clothing. I think that the Indians are fond of their children, girls as well as boys.

I cannot give the death rate in my district, but I think that it can be obtained from the Protector in Durban.

I cannot give the average proportion of sick to the adult population in Natal, but I am agreeably surprised at the small amount of sickness in the up-country districts.

The prevailing ailment on the Coast is the Natal sore, which attacks every newly arrived Immigrant on the coast; the Indians up-country are free from these sores. I attribute this immunity to wearing warm clothes and the taking, what to them is an unusual amount of food, in the shape of milk, meat, &c.; I should add climatic influences, I think also that they are less subject to the feverish, aguish cold, and less subject to asthma.

I peruse the returns from up-country districts, so that my knowledge is not merely conjecture as to any epidemic form of disease existing among the Indian population. The mortality is small, the prevailing disease is venereal.

I do not believe that there is a personal examination of women before embarkation at Calcutta and Madras, and I am sure that the examination is not satisfactory.

There is no law to force a man, when sick, to go to hospital.

In cases of small-pox, the men are isolated and no objection is raised by them; if a man refused, I do not
know of any penalty which could be imposed, except that provided by section 19 of the Medical Rules of March 5th, 1877.

All our medical charges are upon the male only, but in that is included the attendance upon the woman and children.

It is the practice for the Medical Officer to go to the house first, and, if necessary, he goes to see the patients wherever they are; sometimes they are brought to him.

There may be delay in supplying medicines, but it is not a general cause of complaint.

There are no Estate Hospitals up-country, and the owners generally have simples in the house.

By law every employer of indentured Indians is bound to provide medical aid for every indentured Indian.

Coolies dislike to go into hospital on account of caste prejudices; there is a limitation of their personal liberty, and their food is changed.

I consider that the punishment provided by the 18th section of Law, No. 12 of 1872, is too severe. I am not prepared to say what punishment under the 18th section of Law No. 12 of 1872 should be inflicted, but I think that it is severe.

I do not consider that indentured Indians, married by Christian rites, should be exempted from the operation of Law No. 12 of 1872. I consider that such marriages must be registered under the 14th section.

As I have previously lived on the Coast as a large employer of Indians, I am able to make a contrast between the circumstances of master and servant in the upper districts and those on the coast.

I was a large employer of Indians on the coast for nearly ten years. I had experience of the natives in India for nearly three years. I was a member of the Trust Board for nearly two years.

I do not think that it would be possible to define the ceremony of marriage amongst Indian Immigrants by law. I think that the civil contract, involved in the registration, should by law be held as marriage. With this object, fresh legislation would be required.

I have reason to know that a great number of single women come by ship and are eagerly sought for in marriage by Indians from all parts of the Colony; the men are willing to pay a proportion of the woman’s passage money.

All who declare themselves man and wife and married, are registered.

I cannot say whether the infant mortality is large amongst the other classes of the community. As an employer of Indians, member of the Board, and in my present capacity, I have no reason to suspect infanticide to be prevalent amongst the Indians.

I used to employ from sixty to one hundred Indians; I often employed one hundred.
I am of opinion that, if the registration constituted marriage, the man's taking a second wife should not be punishable as bigamy, because it is quite in accordance with Indian customs, though it might be urged as adultery and thus a reason for divorce.

In case it were provided that registration should constitute marriage, I do not think that simple adultery should be a sufficient ground of divorce, but it should be adultery aggravated by desertion or cruelty. Any claim for damages by the discarded woman might be adjudged by the Protector, but subject to an appeal to the Supreme Court.

I consider that the forum for divorces should be the special Court of the Protector.

A few complaints have been made by coolies that their masters would not listen to them when complaining of illness; this, however, is not a common ground of complaint. I have not heard, and am not aware, that the masters refuse to report cases of sickness.

I am not aware that coolies have complained that the doctor has refused to send them to the Estate or Central hospital when ill.

I have had complaints of neglect by doctors, but have not thought them well founded. I cannot say how many complaints, but not many. I have not had complaints from coolies when in hospital, of defective food, bad clothing, &c. I have had no complaints from coolies in hospitals with reference to their case.

I think it desirable in a distinctly Indian hospital that one relative should be allowed to attend the patient, if the patient so desire it, but I am not prepared to challenge the arrangements in Grey's Hospital.

I have not had any complaints from employers that their Indians refuse to go into hospital, but I have heard that Indians have refused to take medicine prescribed for them. I heard this from both employers and Indians.

I have heard from masters that there is a disinclination, on the part of Indians, to report their ailments, only when venereal, but not as to other ailments. The reason for refusing to report venereal ailments is shame.

I have often heard from masters that the women more especially conceal the fact that they are suffering from venereal disease.

I have had no complaints from medical officers that the masters throw obstacles in the way when they visit estates, by not collecting the sick. No hour is fixed for the visit of the doctor, and I do not think that the system works oppressively to the master.

I have had no complaints from doctors that masters throw obstacles in the way of sending sick coolies to the hospital. I have had complaints from the doctors that masters have not reported cases of sickness at the time of the doctor's visit. I have had complaints that masters do not attend to the instructions left by the doctors. I have had one such serious case at the Darjeel. I cannot say how many such complaints I have received, not many; I may have had a dozen.
I have not had complaints from doctors that their position is not supported as it ought to be by Government, or by employers.

In case of compulsory removal of patients to central hospitals, I think that the costs should fall upon the employer. I think so from the nature of the contract, as to which, see section 21 of Law No. 2, 1870.

If the law should throw such costs upon the medical fund, I think that the costs should be paid from the fund irrespectively of the question whether the estate be situated in a district which contributes but little to the fund. As to the machinery by which such forcible removal should be effected, I think that either the local Magistrates or the Protector of Immigrants should receive the necessary legal power.

I have had complaints from employers that women, suffering from venereal disease, are allowed to stay in the lines and so spread the disorder. I think that such complaints have been against single women.

I think that here and there on estates there are women resident who are reputed amongst the coolies themselves to be prostitutes; certainly not on most estates. I do not think, in any case, that such women should be submitted to the doctor's inspection at the estate hospital, at each visit to the estate. I say so, because such inspection would interfere with the prospects of such women settling down respectfully.

We have scarcely any estate hospitals in the up-country districts, but, in the few instances where they exist, I have not seen them used as barracks nor as places of punishment; we have so few employers having more than twenty Indians in their service.

I think that the vaccination and re-vaccination of indented coolies is well attended to.

I have had complaints from employers that medical officers do not visit as much as provided by law. I may add that the periodical examination of one or two Indians at far distant places may well seem unnecessary to the doctor.

I have heard complaints from employers, but more especially from the doctors, of the difficulty of communicating with sick Indians, through the absence of an interpreter. This is one of the reasons the Indians avoid coming before a medical man at all. With reference to complaints, that cases of sickness have not always immediately been reported, and those by the doctors that their prescriptions have not been exactly complied with, I have found, upon enquiry, that the departures, as a rule, have resulted from misunderstanding, or from distance from the doctor's place, rather than from wilful disregard of the doctor's orders.

I do not think force should be used to make coolies go to hospital.

I foresee difficulties in carrying out the system of compulsory removal of sick coolies to the Central Hospital, even though the Protector be empowered to effect such removal, but I foresee no difficulties greater than those which now attend the carrying out of the Criminal Law.

From my knowledge of the Indians I do not think that
there is a great disinclination to go to hospital when seriously ill; there is a great dislike to go to hospital for minor ailments.

The employer of free Indians immigrants, if within a medical district, is required and liable to pay one shilling per head. (See Sec. 5 of Law No. 19, 1874).

I do not think it desirable to prohibit the sale of ardent spirits either to free or indentured Indians, because, in the first place, I do not consider that Indians generally are addicted to the vice of drunkenness. There are some Madras men, about and near to the towns, who are addicted to drunkenness, but even Madras people in the country districts do not drink to excess. The Calcutta people have not formed the habit before they come, and they seldom form it here, they are more addicted to the use of opium and of hemp than the Madras people. With many of the Madras people alcohol has become a necessity of life, but it does not follow that they are drunkards; but my principal objection to any such law would be the impossibility of carrying it out as applicable to future immigrants; no such law has been applied to those who have already come; if it were even shown to be very desirable, I think it would be impracticable.

I think that in towns, such as Durban and Pietermaritzburg, all indentured coolies should be subject to the curfew. As to free Indians, I would subject them also to the system, with the exception of those who have become respectable householders and have applied to be registered as exempt from the system.

I very seldom receive complaints from employers in up-country districts as to the drunkenness of their men. I am not aware that the supply of ardent spirits to the natives is carried on principally by the Indians.

I am not aware that many of the up-country canteens could not exist but for the Indian trade; that is quite contrary to my opinion, and I have made a good deal of enquiry.

DURBAN—FOURTH DAY.

EXAMINATION OF DE. G. LINDSAY BONNAR.

By the Chairman:

I am Medical Officer of the Durban Circle; it extends from the river Umbilo to the Umgeni.

I am also doctor of the coolie depôt, Durban.

I was appointed seven or eight years ago, if not more.
The principal estates in my circle are Cato Manor and Claro. These are the only two estates in my circle.

I cannot give the total number of persons employing Indian labourers in my circle. I cannot give the total number of Indian women so employed. I cannot give the total number of children employed in my circle.

We never hear of births. I cannot give the total number of births during 1884.

I cannot give the total number of deaths under the age of one month, during the year 1884, unless I refer to returns which are sent to the Protector of Immigrants from the employers.

I have the same reply to make with reference to children over the age of twelve months.

I cannot give the total number of deaths of children under twelve years of age, during the year 1884.

As to the deaths of adult Indians during 1884, if time be given to me, I can give such a return, and I think I can give a similar return with reference to children under twelve.

If time be given me I can group the deaths under the respective diseases or causes, during the year 1884.

As to the average yearly rate of mortality from 1881 to 1884, both years inclusive, I can, if time be given to me, give the rate, but it may be that Indians, who have come to the Colony without being indentured, will affect the rate, and as I make a practice of attending, without question, all Indians for whom my services are required, I shall be unable to state to what extent the Indians who come without being indentured affect such rate.

There is no latrine accommodation on the estates to my knowledge, but in the town of Durban latrine accommodation is provided.

On estates the Indians go for the purposes of nature to the sugarcane fields, I mean by that, the cultivated portions of the estates.

I have not observed whether the coolies use the back part of their lines, or any place close to their lines, as a place where they can make water or ease themselves.

I do not know any lines built near to a running stream or to any water of any description. On Claro Estate the lines are on an elevation placed at least one hundred yards from the nearest running water.

I have never observed that coolies, after easing themselves, go to a running stream to wash their persons.

I cannot say whether the Indian custom of using water after stools prevails upon estates; I did not know that was the Indian custom.

With reference to a scheme for carrying out latrine accommodation on estates, I think that it would be bad to interfere with the present custom.

I consider that latrines are receptacles for concentration of filth, which at present is diffused.
I am strongly in favour of the compulsory removal of patients from the estate to the Central Hospital; by patients, I mean both those suffering from contagious diseases and those suffering from ailments requiring skilled attendance and appliances, with carefully arranged and prepared diet. As to the first class of patients, I think there is no estate upon which satisfactory arrangements might not be made for the proper isolation of such patients.

As to the costs of such removal, I have always found the employer most willing to provide for such costs.

I think that such costs should fall upon the employer, especially in my district where the estates are so near to the central hospital, and where patients can so easily be sent in wagons.

I think that in my circle, at any rate, employers on estates lying within, say, four miles, from a Central hospital, should be relieved from the upkeep of an estate hospital, sick coolies in such cases being sent in to the Central hospital.

I have not seen any estate hospital used for other purposes than the accommodation of the sick. On further consideration I wish to say that I have, and I wish to explain thus. On one estate (Clare Estate) I have seen one of the compartments of the house, set apart for a hospital, used for cutting sugar cane by a machine, but this was only when the hospital was unoccupied, there being no patients; this extended over some months, last year; now that building is not used as a hospital.

I am satisfied with the rations fixed for the coolies and I never hear any complaints. I would not wish to amend the authorised scale.

I have found difficulty in inducing coolies to go to the Central hospital, but I have not found difficulty with reference to estate hospitals. There is a prejudice amongst them that they will die if they go to the Central hospital; they only see bad cases go there.

I have not heard any objections, as to food being cooked in the Central hospital by a man of inferior caste, or as to want of attention.

Employers of Indian labourers have not caused me the slightest difficulty.

The Umgani river runs past the Clare Estate; through Cato Manor there are three running streams, the names of which I cannot give. With reference to these four streams, I have not observed any pollution in them, and I wish to call attention to my remarks in my report for 1884; I beg to tender that report in evidence.

Mr. Clarence (of Clare Estate) has complained that my visits were too seldom; twice I think he has so complained, but with reference to such complaints I have to say that my work takes up so much time, especially when two or three coolie ships come in close upon each other. There have been no complaints of the hurried nature of my visit.

There have been no complaints as to the difficulty of reading, or attending to, my instructions.

I think that the medical laws are very good and excellent.
I do not recommend any changes; they have worked smoothly and well, so far as my experience goes.

I consider that the sanitary state of the estates in my circle is satisfactory, with the single exception that the huts are dark, and I consider light as essential as air to the inmates.

I have not had any experience of the working of the old system, and have no complaints to find with the present.

I have not found instances, in which employers of Indians have thrown obstacles in the way of complying with the orders of the Governor, when required to erect or to appropriate a suitable building as an estate hospital.

I think that the buildings, set apart for the purpose of estate hospitals, on Cato and Clare Estates, are suitable.

I think the number of patients, for whom the house and accommodation on the Cato Estate provide, is five.

I think that the number of coolies on Cato Estate is about eighty.

By Brigado Surgeon Leeve:

I consider that the cubic space per patient and superficial area are insufficient, that is if the hospital is full. I consider the cubic space and superficial area amply sufficient for the sick who have been treated.

No baths and lavatories are provided for the sick. There are no kitchens, latrines, or urinals.

The patients on admission to hospitals wear their ordinary clothes. In the Central hospital they are supplied with extra clothing, if necessary.

In estate hospitals no bed or bedding is supplied, but in the Central hospitals there are trestles and bedding.

I cannot say what would be the procedure in a case of smallpox, as there has been no case; it would at once be isolated.

All the coolies have been vaccinated and re-vaccinated. I vaccinate children if they are six weeks old.

There is no fixed medical inspection of the coolies on estates.

All buildings, set apart as hospitals or barracks, are inspected by a medical officer with reference to their sanitary fitness for occupation.

Venereal disease is very prevalent among coolies. I have not known cases in which hereditary diseases have been handed down.

Venereal diseases are nearly always concealed, but when discovered the patients are sent to hospital; I do not speak of gonorrhoea but of cases of syphilis (such as Chancre and Bubo) which are generally sent to hospital. Cases of secondary venereal disease are usually dealt with on the estates.
There is no regular system of nursing in the Central hospital.

I do not attribute the origin of any disease to the imperfect, faulty habitations occupied by the coolies.

I have not observed any disease which I could attribute to want of proper diet, but frequent causes of debility have come under my notice, arising from deficiency, I conceive, of the fatty element.

The rations are not inspected by the Medical Officer, except when there are complaints.

I have been able to introduce a system of dieting in the Central hospital, and have found caste prejudice no obstacle.

The clothing of Indians is adapted for this climate except in winter, but there is great difficulty in getting them to wear appropriate clothing.

I have not observed any disease to arise from the occupations in which Indians are employed.

The amount of labour performed has had no bad effect on Indians. I think that the planters are exceedingly lenient to their men; but men recently discharged from hospital, recommended for light work, have been put to work beyond their strength, and have found their way back to hospital in consequence. I did not specify the nature of the light work or duty which the man is fit to perform.

There is no night duty imposed on Indians employed on estates.

The men, whether free or indentured, employed by the Durban Corporation, such as lamplighters and night-soil removers, are on duty every night, so I understand, resting during the day.

The men employed by the Corporation of Durban come under the Inspector’s sanitary arrangements, and I also point out imperfections when I observe them; as to estates, I do not think there is any necessity for such inspection.

There has been no epidemic form of disease either on the estates or in the town.

I think that the Central hospital is capable of holding about forty-four beds at a time, according to the regulations. There has never been any overcrowding of patients.

There has been no outbreak of hospital diseases in the building itself. The walls of the hospital are whitewashed; I cannot say often. I should say every six weeks or two months. The walls are not scraped, as that would be dangerous to the dogs of which they are composed. The walls are well washed before being whitewashed.

A case of contagious disease could be thoroughly isolated, until removal to the smallpox hospital.

In the Central hospital the Superintendent compounds the medicines, I have no fault to find with him; he is not a qualified compounder. I have no occasion to complain of delay in the providing of medicines, comforts, and medical appliances.
Women are examined for venereal disease in India before leaving, by nurses, and on arrival here all females are examined by a nurse, who reserves cases of disease for my inspection.

There is no objection to the examination of the women by the nurse, but sometimes a little natural shyness is manifested to my inspection. I never meet with a decided refusal; their husbands sometimes complain.

The men, and boys above puberty, are examined for venereal disease on disembarkation, also on embarking in India. If a married man be found free from venereal disease on landing, his wife is passed without examination.

The cemetery, set apart for the burial of the Indian dead in Durban, adjoins our own cemetery. No places are set apart for the cremation of Hindoos. I do not think that cremation would be allowed in such separate burying grounds. I know no cases of cremation on estates. It is my opinion that the bodies of the dead are not burned. The country cases are interred on the estates.

I know of no compulsory law to force the coolies to bury their dead in the cemetery. I have heard of bodies being interred surreptitiously in the bush in the neighbourhood of the town.

The depth of grave, insisted on in the cemetery, is four feet.

I am not aware that several bodies have been interred in one grave.

I have often thought that some general law ought to be passed respecting the depth of graves and the number of bodies to a certain superficial area. I speak with reference to the coolies.

I do not think there are many trees and shrubs in the coolie cemetery.

The nearest water supply to it is a drain, intersecting the low lying lands, and falling into the bay; this ditch is in the way of drainage, is not near to any water supply, and no stream, the water of which is used, runs near to it.

There is no dead house attached to the Central hospital. On the death of a coolie, the body is at once removed to an outhouse and instant notice is given to me. I write out a certificate of death, and immediate arrangements are made for the burial by the Protector of Immigrants. It is very seldom that the relations request that the body be delivered to them for burial.

In case of an infectious disease the relations would not be allowed to take the body away and bury it; it would be buried under my supervision, and lime would be used.

There is a system of invaliding disabled men.

It is my opinion that among town coolies there is great intemperance. In the country the coolies do drink, but to a very limited extent, they are all spirit drinkers. No beer is drunk.

With reference to the town coolies spending their wages on intoxicants, their wives and children are stinted in clothing and food, the men themselves are weak, some get
incapable, depending on stimulants in which there is no nourishment, and filth and discomfort reign at their houses. Their stamina is so undermined that convalescence from disease is protracted and unsatisfactory.

I have been able to trace sickness and mortality to the excessive use of intoxicants. Rum is chiefly drunk by Indians (especially the Natal rums); brandy is the drink amongst those who are better off.

Indian hemp (aakka) is very generally used, and I have noticed a great many cases of opium eating (bhang).

I do not know whether the Indians, after arrival in the Colony, become addicted to drinking, having been sober in India.

I believe that a spirit ration is given to the men on board ship.

From analogy I should say that employment in the manufacture of rum would be conducive to the development of the habit of drinking.

The drinking water on the Clare Estate is obtained from the Umgeni River. I have never analyzed the water, but believe it to be of very good quality.

The water supply on the Cato Estate is excellent, so far as physical analysis discloses. I do not think any chemical analysis has been made of the water of the streams on the Cato Estate.

The water supply to the Central hospital is also of excellent quality.

I do not think that there is any fear of the excreta of coolies being washed down into the rivers.

I do not think that the coolies here have any of those dirty habits which they practice in India. I do not know how they cleanse themselves after defecation. I do not think there is any danger of decayed vegetable or animal matter being washed into the sources of the water supply; I have often tasted it, and found it excellent. Tanks or wells are not in existence on either of the estates mentioned.

The Umgeni and the other streams, to the best of my knowledge, are not polluted by refuse from sugar mills or refuse from any trade or factory.

I visit the estates at regular intervals, once a week being the regular rate; I can choose my day. In cases of emergency I pay an extra visit.

There is no interpreter attached to my circle for my special use. I have but little difficulty in getting an interpreter, if I want one.

I would allow relatives to regularly attend sick patients at hospital.

By Mr. Richardson:

I should be inclined to think that absence of a coolie, caused by venereal disease, is an unlawful absence. Being
of such an opinion I should think that it is hard on the employer that he should bear the expenses consequent on such illness.

Patients with venereal disease are kept in hospital until thoroughly cured.

In the case of estate women, reputed amongst the coolies themselves to be suffering from venereal disease, I most certainly think that it is desirable that they should be compulsorily sent to the Central hospital for examination. If found diseased, I think that the doctor should have power to retain them, even against their will, until cured.

When visiting an estate it is most fatiguing to go from hut to hut, and I have refused. I have just to wait until they are collected, but, in serious cases, I go to them.

As to the burial of coolies in the separate burial ground in Durban, I understand that the man in charge does exact a fee for burying; I cannot say whether he has or has not a right to charge the fee. The relatives of the men have spoken to me. They have brought spades and said to me "instead of paying this man a fee we will dig the grave ourselves." They have gone away and, I suppose, have paid the fee.

Some one always takes an interest in the dead; there would always be some one from whom the man could ask the fee.

By Mr. Saunders:

Speaking generally I say that the rate of mortality amongst the Indians in the Colony is not unsatisfactory.

I think that the rate of mortality is very small. I think that the death rate of 1883 was very small. In my returns the rate was thirteen per thousand; I speak of those actually under treatment; of course the death rate would be much smaller with reference to the others.

By Brigade Surgeon Lewer:

I have no suspicion of infanticide. It is a subject which has often occupied my thoughts and to which I have directed my attention, and I do not think that infanticide is a crime with which they, the Indians, are chargeable.

As to stillborn children, I have had very few such cases reported to me, not so many as one or two in a year. I am not certain that all cases of still-births are reported to me. They may be surreptitiously buried, in which case there would be no birth certificate or death certificate. It is perfectly possible that women might be delivered of still-born children, and that the children should be buried without my knowledge.

The following is Dr. Bonnar's report of the Durban Circle for the year 1884, referred to in the foregoing examination.

REPORT OF DURBAN CIRCLE FOR 1884.

The health of the Indians employed in my circle has been very good during the past year. There has been no special
epidemic prevalent, and the cases of sickness have for the
most part been of an ephemeral and tractable nature.

My circle may be classified into two divisions, the diseases
attached to each and the conditions of life to which each is
exposed being markedly different. Indians living on the
Estates and Indians in or near town.

With respect to the former, their house accommodation is
much more satisfactory, more airy and more cheerful and
less crowded. It is a general arrangement that the huts are
built in lines more or less regular on the face of a declivity,
with the doors looking down the slope. Waterways are dug
round the backs and sides of the huts to carry away the
water in rainy weather, so that the interior is dry and com-
fortable. The two principal estates in the Durban Circle,
Cato Manor and Clare, are amply supplied with excellent
water, the former by three streams running through the
estate, the latter by the Umgeni river. The quality of the
water is very good, and the quantity persistent and more
than sufficient for all requirements.

The rations supplied are of the best; and, in my regula-
tions as to the diet of the sick, I never have heard a murmur
as to the quality of articles given either to the sick or the
healthy.

The hours of labor are by no means excessive; the
labourers take it very much according to their own liking,
and the overseers seem very indulgent. Ample time is at
their disposal for the cultivation of their own patches.
Some make a good deal of money by the sale of produce.
Some, I am told, employ labour to cultivate ground for
which they pay rent.

As to clothing, with the exception of fresh immigrants
landing here in winter, the clothing seems sufficient; but
some extra covering, especially at night, is demanded by
those in the circumstances above alluded to.

The diseases most general in the division of the circle are
rheumatism, diarrhoea, and dysentery, and the two
former are induced by exposure to sudden changes of tem-
perature without sufficient clothing, or what is worse, being
allowed to sit in wet clothing, or work in rain, when in both
circumstances they ought to go home and put on dry apparel.
The two latter diseases are induced by badly cooked food,
by partaking of underdone vegetables, and maybe aggra-
vated by exposure to cold and damp, but I cannot in either
instance blame the water as the exciting cause.

The conditions of the Indians employed in or near the
town are far from being so favourable. My remarks apply
equally to the Corporation compounds, the Railway barracks
and the location at the Point.

With the exception of the comparatively lately erected
buildings of brick belonging to the Corporation near the
slaughter houses and others in the vicinity of the Police
office and in the vicinity of the powder magazine, the lots
or the houses on the other compounds are unfit for human
habitation, they are far too crowded, much too small for the
number of inmates, and choked up by the proximity of
cooking-houses, so that the narrow lanes this arrangement
necessitates are filthy in the extreme, and there is no free-
dom for access of fresh air. The Corporation and Railway
have it, I understand, in contemplation to make decided
improvements in these matters by building new and more extensive barracks.

They have had this in active contemplation for a series of years past.

The expiration Indians are supplied with plenty of good water from Currie's hydrants. Those at the night soil from springs in the neighbourhood, some of which were noted for yielding good water years ago.

I have had occasion to complain of the very scanty clothing of the Corporation coolies, especially the children, during the winter months, but was given to understand that no compulsion could be exercised as to how they spent their money.

The diseases principally prevalent are diarrhoea and dysentery—the causes are the facilities afforded by the present state of the law for the imbibition of rum and brandy. Wives and children are stinted in clothing, and food of a more nourishing character than what is allowed by the law, which is often necessary to keep up their stamina; the men are themselves weak and soon get incapable, depending on stimuli in which there is no nutriment, and filth and discomfort reign at their home.

The same remarks apply to those employed at the Railway and to the buildings there. They have water in abundance, partly from Currie's hydrants, partly from the Umgeni river, from which it is brought daily in tanks.

There is nothing I know of, which would sooner strike at the root of so much misery and disease as a stringent law which would put it beyond the power of indentured coolies to procure drink.

(Signed) G. LINDSAY BONNAR, M.D.,

Medical Officer.

DURBAN.—FIFTH DAY.

EXAMINATION OF MR. LOUIS H. MASON, PROTECTOR OF IMMIGRANTS.

By the Chairman:

The late General Lloyd was the first Protector of Immigrants in Natal. I believe he was appointed in 1872. His tenure of office expired in 1874: I think he resigned; Captain McLeod succeeded him. I do not know what was the exact cause of his retirement. He was succeeded by Colonel Graves, who resigned a little more than two years ago, and I succeeded him in July, 1883. The fixed salary attached to the office is £500. We are
allowed travelling expenses and horse allowance. The horse allowance is to the Protector of Immigrants only, and amounts to £100 yearly. The travelling expenses are allowed to myself, to the assistant, and to the interpreter. The interpreter, if an Indian, gets 5s. a day, and other interpreters 15s.—this is the rate at which I and the assistant Protector draw. I think that Mr. Kirk was the first agent who managed Natal immigration matters at Calcutta, then Mr. Firuh, now Mr. Mitchell. The first agent at Madras whom I can remember was Mr. Ross, then Messieurs Parry and Company, who are still the agents.

Both myself and predecessor have had reason to find fault with the Agency, principally the Madras Agency. Such objections were principally caused by the class of immigrants chosen by the Agents. The replies were that immigrants sent were passed as suitable by the Medical Officers. In consequence of such objections, slight improvements were noticed from time to time. The above remarks apply but slightly to the Calcutta Agency. The present salary of the Agent at Calcutta is £500 and at Madras £600. The difference in the amount is caused by this:—The Calcutta Agency works only during a portion of the year, and the Madras Agency works all the year round. The first ship arrived with immigrants in November, 1890. She brought 203 men, 87 women, 21 boys, 19 girls.

The total number of immigrants (women included) who have arrived at Durban in each year is as follows:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1860</td>
<td>913</td>
</tr>
<tr>
<td>1861</td>
<td>599</td>
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<td>1879</td>
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<tr>
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<td>1884</td>
<td>2,905</td>
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<tr>
<td>1885 up to 18th February</td>
<td>524</td>
</tr>
</tbody>
</table>

On board ship there is no spirit ration served out to the immigrants.

On board ship the unmarried girls occupy the after part of the ship, the married people the centre, the single men forward. The men and women eat together.

I do not know that women found, on arrival at Durban, or shortly afterwards, to be suffering from venereal disease, have admitted that they have caught the disease on board.
ship. I do not approve of the system of passing married women without examination, if their husbands are free from venereal disease. Births occur on ship almost every voyage. The Agents at Calcutta and Madras take the immigrants before the Protector there. I do not think that any restrictions are placed on the Agents with reference to shipping pregnant women. At Calcutta the Agents principally recruit from men who are accustomed to field labour, and at Madras, until lately, I believe the Agents have taken any person who came to them or who were presented by the Recruiters.

We have no classification as to the caste of immigrants. We have only the ship's descriptive list of each immigrant which gives the caste and bodily marks. The gratuitous to surgeon, compounders, &c., which appear in the accounts of the Indian Immigration Trust Board, are allowances at so much per head, as fixed by the Agent at Calcutta and Madras.

The married women on board ship are under the supervision of the medical officer in charge. There is no female superintendent on board ship as well. As far as possible, the surgeon in charge, as well as the captain, is responsible for the moral conduct of the immigrants. A room is set apart on board ship as a hospital. There is only one hospital on board ship, where the immigrants are all treated irrespective of sex. The women have separate latrines from the men; the men fore, the women aft. Sirdars are specially paid on board ship to keep watch during the night, and to supervise the immigrants. I have no complaints about the food issued on board ship, but complaints have been made as to the drinking water. The "Laurel" was the name of the vessel. The water smelt; it was carried in casks. Windsails are used on board ship to ventilate.

By Brigade Surgeon Leever:

The space allowed for each immigrant on board ship is six by two feet; twelve superficial feet.

The cooking arrangements are satisfactory. Measles sometimes break out on board ship. There has not been any great mortality on board ship, nothing out of the way.

All immigrants, men, women and children, are examined before embarkation; itch has appeared among them; ophthalmia has in one or two instances occurred.

The men sleep either on the deck or on a platform fixed on the side of the vessel. No complaint has been made as to the wetness of the between decks. The between decks are usually holy-stoned. Lime juice is not issued as a general ration.

The length of the voyage from Calcutta is between forty and fifty days.

Lime juice is used as a medical comfort. Scurvy has never appeared on board ship. I do not know of any disease having arisen on account of the diet on board ship.

Medical men have made alteration on board ship—they have reduced the ration of oatmeal because it brought on dysentery.
On board, a place is screened off by a sail amidships, for the purpose of ablution. The men and women do not bathe together; different days are set apart for them.

I have not had complaints as to the deficiency of medical comforts, but the medical officers have sometimes stated that the list of medicines attached to the charter party might be increased.

There is a daily medical inspection on board ship of all immigrants—twice a day. They are all inspected.

By Mr. Richardson:

In the Calcutta Agency the men have all been recruited from field labourers. There is no restriction as to age placed upon the Agents. I cannot say how their age is determined, I presume they get it from the men themselves. In the term adults, women and children are included, reckoning two children between two and ten years of age as one adult.

A great many complaints have been made to me that women when they arrived here must have been suffering from venereal disease. If the employer can satisfactorily prove that the woman was diseased on allotment, then I think, the Board should bear the costs of curing her.

We have means of testing the period of indentured service of persons applying for a return passage. I refer to passes which by the law should be signed every six months. As a rule these passes are so signed, they are very particular in reference to this.

in cases of men going out of the Colony and returning to claim a free pass, they have to satisfy my department that they have actually resided the required period within the Colony.

Complaints have been made against the officers and crews of the ship as to their improper behaviour to the immigrant women on board, but such complaints have been very rare, only one or two in number.

By Mr. Saunders:

I have no suggestion to make with reference to improvements in the system of recruiting in Calcutta and Madras, nor with reference to the inspection and landing of the immigrants in Durban.

The medical examination, at Madras and Calcutta, of all the immigrants, but especially of women I think should be more strict.

I do not know of anything, in respect of the Indian regulations, which should be brought to the notice of the Governor-General for alteration, under the powers conferred on him by the Indian Acts, except as to the medical examination.

The women are not examined as to venereal complaints by medical men, but by nurses, before leaving India. Certain cases here, set apart as suspicious, are sent to the medical officer.
By the Chairman:

I have had complaints from indentured Indians that their masters will not listen to them when complaining of illness; such complaints have been from indentured Indians on the coast chiefly, occasionally from up-country.

From the records of the office I can show how often these complaints are made. I do not know instances where these labourers have complained that their masters would not report their cases to the doctor when he visited the estate, neither have I had complaints from the Indians that the doctor would not order them to the central hospital. There are no estate hospitals as contemplated by the law. On one or two estates there are rooms set apart for the treatment of Indians.

I have had no complaints as to the want of care and attention to their cases when in central hospitals. Frequently these Indians have complained, when in the central hospital, of the insufficiency of the food. I am not speaking of any one hospital in particular. This complaint is generally made because the patients—Indians—are not allowed chillies, and other condiments, to which they have been accustomed, except under orders of the medical officer in charge of the hospital, who regulates the diet.

I have had no complaints from these indentured Indians as to their caste.

I do not think that a patient in a Central hospital should be daily visited by his relatives, or should be regularly attended by one relative, if the patient so desire.

I have frequently had complaints from employers that their indentured labourers would not go, even when ordered by them or by the Medical Officer, to the Central hospital.

I have also had complaints from masters that coolies would not take the medicines or apply external applications ordered by the doctor.

I have had complaints from masters that there was a disinclination among the coolies to report their ailments to their masters, and to the doctors; I think it is because they wish to use their own medicines. I have heard from masters that there is a special difficulty in dealing with women suffering from venereal diseases. I have had complaints that the women do all they can to hide such ailments. I have had complaints from the doctors of circles, from one in particular, that masters throw obstacles in the way with reference to the inspection of the sick; I refer in particular to the Equefa Estate, of which Dr. Tritton is Medical Officer of the circle. In that particular case my report supported the Medical Officer (see papers sent to the Commission by the Honorable Colonial Secretary).

No hour is fixed for the visit of the doctor; I think that the hour of the doctor's visit should be fixed, but I also think that such a system is impracticable, unless the number of medical officers be increased. My department has suggested a waiting room wherein the sick might be collected when the doctor visits the estate, but at present there is no rule in force regulating the collection of the sick for the inspection of the Medical Officer on his visits to estates. I have had complaints from Medical Officers that the Indians have absolutely refused to go into Central hospital, when ordered. I can only account for such refusal by saying that they prefer to lie in their own huts. I have had complaints
from doctors that masters have not reported cases of sickness at the time of their visits. I have had one such complaint; I refer to Dr. Tritton and the Equefa Estate, of which I have spoken.

I have had complaints from the doctors that masters do not attend to the instructions left by the doctor. I have had one such complaint, and I refer again to Dr. Tritton and to the Equefa Estate. I have not had complaints from doctors that they are not supported, as they should be, by Government or by employers.

I think that Indians, suffering from contagious diseases, and from ailments requiring skilled attention and special diet, should be compulsorily moved to Central hospitals. I think that the compulsory removal should be on the employer. I think that it would be difficult for the local Magistrate to effect such removal, and time would be lost. I do not think that such removal should be upon the Protector of Immigrants. I think that the removal should be upon the employer because of his contract. I think that the costs of such removal should fall upon the employer. I do not think that it would be right that such costs should come out of the Medical Fund, which is to be used to provide doctors, Central hospitals, and for the upkeep of Central hospitals. I have had complaints that women, suffering from venereal diseases, roam all over the country and spread the disease from estate to estate. These complaints have come from employers; such complaints have been as to single women.

I have reason to think that on estates there are women resident, who are reputed amongst the coolies themselves to be prostitutes; such women have entered the Colony as single women, I speak of the greater proportion: some married women have gone wrong. I think it desirable to submit such women to the doctor on his visit to the estate.

The returns of births are sent to us by the masters or are brought to us by the Indians themselves; I am speaking both of free and indentured Indians. I can give a return showing the births of free and indentured Indians during the year. I can also give a return of the deaths of free and indentured Indian children under the age of eight days.

Dead Indians are buried at Darbae in the cemetery set apart for them. I believe Kaffirs are buried in the same cemetery. I cannot say whether the burial ground is clear, or if there are trees growing there. I cannot say who appoints the person who looks after the burial ground; certainly I do not appoint him.

In the case of Indians buried from the hospital, their graves are dug by convicts. I cannot say who digs the graves of those who die elsewhere than in the hospital. I do not think that a constable is in charge of the cemetery. I do not think that a fee is charged by anyone in connection with the interment of Indians dying elsewhere than in the hospitals. I have not had complaints from any Indians as to the payment of such fees. I do not think that it is desirable that Indians should be allowed to cremate; my only reason is, that it would be repulsive to the public.

I have, on inspecting estates, found coolie lines built too near running streams. Hillhead is one such estate, the Equefa is another, one in the northern and one in the southern division. With reference to Hillhead, I had the coolie lines removed to a distance of more than a hundred
yards from a running stream; I am speaking of the larger proportion of the huts, there are still four or five huts on that estate which are too near the stream. That stream runs from a spring on the estate, and from it people take water for drinking purposes, although cautioned not to do so, and although proper drinking water is provided by wells or could be obtained from the spring itself. I do not think that such proximity of the huts to the stream has prejudiced the health of the coolies of that estate, but I think it advisable that the huts should be removed.

Dr. Campbell is the Medical Officer in charge of that circle; he has not complained to me about these huts.

On the Equeefa estate some of the huts are situated too near the stream. The manager was asked to remove these huts and he did so, as far as the huts of indenured men were concerned, but he declined to move the huts of the free Indians, whose huts are still too near the stream; their position is bad, the locality is too low and swampy. I do not think that the situation of the huts of the free Indians has resulted in sickness. Dr. Triton is the Medical Officer of that circle; he has complained of the position of the huts on the estate, such complaint was made before the manager's complaint against him, some time before; he has often complained. I think he said that most of the people suffered from fever and dysentery, and passing blood with their water, and he partly attributed their ailments to the bad position of the huts. I communicated such complaints to the doctor to the Durban Agent of the estate (Mr. Robertson), and, in consequence of my representations, the huts of the indenured Indians were removed. The free Indians themselves declined to move.

I think the waiting room on estates can be made use of, notwithstanding the hour of the doctor's visit.

With reference to compulsory removal to hospital of Indians in case of refusal, 'reasonable force' I think should be used; by reasonable force I mean so far as having them put into a conveyance. I do not think the law will allow a person to put his hands on another.

I think that among subjects to be brought before the notice of this Commission, affecting the health of Indians, are, firstly, that they should be compelled to go into Central hospitals when ordered; secondly, that they should be compelled to remain there until discharged by the Medical Officer; this applies to indenured Indians only.

By Mr Saunders:

I do not consider infanticide common among the Indians in the Colony. I consider the death rate of Indians in the Colony low as compared to other colonies. The death rate for 1884 was 10.6 for the whole Indian population—men, women, and children.

In 1883 it was 14, and in 1882 it was 17.2. The deaths are more numerous among newly arrived Indians, until they become acclimatised. I think there is a material difference till they become acclimatised.

I have never heard, among the Indians, an expressed desire for cremation. I have not had any general complaints in respect of their burial grounds in the country.
By Brigade-Surgeon Lower:

I have had several cases of procuring abortion brought under my notice, from the certificates of death. Death resulted from the procuring of abortion. I do not know whether the person so procuring abortion was proceeded against and punished; the abortion is generally caused by the woman herself.

Births of a still-born child are occasionally brought to my notice. We never register the death of a still-born child.

Still-born children are never registered under the ordinary laws of the Colony; under the present law we cannot compel these people to send even a death certificate in any circumstances.

There is a department in my office for the registration of births, deaths, marriages, and disposal of property of deceased Indians. Law No. 12 of 1872, section 24, provides for the registration of births and deaths, and section 24 for marriages; law 2, of 1870, section 65, refers to the disposal of property of deceased Indian immigrants.

On the estates sick men are mixed with the healthy, if they elect to remain in their own houses.

Government Notice, No. 448 of 1880, provides for the guidance of employers, and medical officers, on medical matters. There is no other code of regulations.

When sick women go into hospital, they are treated in a separate ward. Young children are treated with their mothers and are not put into a separate ward. I do not know of any overcrowding in the wards of the Central hospital.

I cannot tell you the amount of superficial area allowed to each immigrant in Central hospitals; it is not provided for in Government Medical Rules, No. 448, 1880, of March, 6th, 1887.

There are rules for the white-washing of the walls of Central hospitals, it is done as often as necessary; the walls are well scraped and white-washed. No baths and lavatories are provided in the estate hospitals, but they have them in Central hospitals. There are latrines and urinals provided in the Central hospitals. They are not provided on estates. The men resort to the most convenient place on estates. No employer has been called upon to erect an estate hospital, therefore, the penalty, not exceeding £25, as laid down in Rule 48 of Government Notice 448 of 1880, has not been enforced.

In the Central hospitals, patients are supplied with hospital clothing, beds, bedsteads, and bedding.

There is a qualified man as compounder of medicines in central hospitals, qualified by examination.

I believe it would be beneficial if a periodical medical inspection of all indentured Indians, by Medical Officers, were made in order to detect early symptoms of diseases, especially venereal.

I presume that the Medical Officer makes a periodical sanitary inspection of the estate and the buildings in which the coolies are employed, including the mill.
I am satisfied with the statistical returns of the Medical Officers; they afford all the information that is required.

Relatives of the dead are allowed to remove the dead bodies from the hospital to their houses prior to interment, if they wish. I cannot say if this will apply to cases of infectious diseases, as I have not had one during my time.

In case of death from an infectious disease, I presume that all necessary precautions would be taken by the Medical Officer, if not personally, under his instructions; in this case the friends would not be allowed to remove the body.

Nothing is laid down as to what depth the grave should be. I believe that it is six feet. I do not know that several bodies have been buried in one grave.

The proportion of women sent out from India, according to the Indian Act, is 40 per cent. I think we have our full proportion.

No delay has occurred in Central hospitals in supplying medicines and medical comforts to the sick.

The indentured coolies are permitted to build their own huts, time being given to them on arrival on the estates to do so; no sanitary supervision is exercised as to situation or size of the huts; on some estates proper barracks are put up for these people, in which buildings all sanitary requirements are regarded and approved by the Medical Officer of the circle.

There is a quarantine station on the Bluff. It consists of four large huts, in which the immigrants, in case of the outbreak of any infectious disease, will be landed and placed; all precautions for isolation are taken by the Harbour Board. The Medical Officer in charge of the ship, arriving with the immigrants, goes in charge of the Indians in quarantine. On the raising of the quarantine, the Health Officer makes his inspection.

By Mr. Richardson:

I do not know whether most of the women who roam about the country as prostitutes are indentured.

It would be an advantage for an interpreter to be attached to all the medical circles, but it is not necessary.

The rules, No. 448 of 1880, do not repeal any law.

I do not think that it would be desirable to throw the cost of removal to hospital on other persons than the employer, certainly not on the Indian.

Absence, on account of venereal disease, is looked upon as an unlawful absence in the meaning of the law.

Outside medical circles, the employers treat and arrange for their own medical attendance. I do not receive returns from such employers as to the state of the men in their employ, they are not obliged by the law to send them.

I think that the effect of punishing for venereal disease would cause Indians to conceal it, but I am not now speaking of the stoppage of pay for such sickness.

I think that a woman, known to be a prostitute, should
be periodically examined by a medical officer; at present this cannot be done.

As to rule No. 48 of Government Notice 448 of 1880, the due notice of the intention of the Government would be conveyed to the employer by the Protector of Immigrants, but I should not act until I had received notice from Government. I have received notice from Government with reference to those orders; there was a memorial against it. I consider estate hospitals unnecessary.

DURBAN—SIXTH DAY.

Further Examination of Mr. L. H. Mason, Protector of Immigrants.

By the Chairman:

I do not think that streams are polluted to the extent they were.

I know the Redcliffe mill and sugar distillery: I have not noticed that the streams in the neighbourhood of that mill are polluted.

I know the Fenton Vacy mill; I have not noticed any pollution at that mill.

I have not been at the Oakford mill for some time; it has been closed for some years.

I know the Otto mill and sugar distillery; I have not noticed any pollution of the streams in its neighbourhood.

I know the Blackburn Central Sugar mill (my answers refer to the period since the Commission of 1881), I have no cause of complaint there.

I know the Hill-head Sugar distillery: about two years ago I noticed that a small stream, running through that estate, was polluted to some slight extent and I requested the manager to clear it.

I know the Avoca mill and distillery; there is a small stream running there, crossing under the main road; at times there is a bad smell from this stream.

I know the Equefa sugar mill and distillery; the pollution of streams on this estate has been, to a certain extent, stopped by the formation of a dunder pit, and by the closing of the distillery. All the washings and refuse from the mills are run into the dunder pit as well as the water from the vacuum-pan; the water from the vacuum-pan is, I think, run into a dam, or into the river.

I know the Umzinto sugar mill and have not noticed anything wrong about it, except that one or two streams beyond the mill smell bad at times.
I know the Mount Edgecombe Central Mill; since the Commission of 1881 reservoirs or dunder pits have been erected on this estate. The smell on passing this estate is at times very bad. The reservoirs are large, open pits, not at a great distance from the railway line; one is about 300 yards from the line, and, I presume, the smell comes to the line from this. The other is near the distillery, which is some distance from the line. The mill is very close to the line, about one hundred and fifty yards from it. These pits, about which I speak, are in a line with the mill, on the Durban side. The distillery is on the same side as the pits, in a line with them, on the Durban side; it is some distance from the mill. The railway line curves away from the mill and runs at a greater distance from the distillery. The smell is perceptible as you go round the corner and pass right through to the station.

I do not know whether Indians actually ease themselves on the banks of, or in, the streams, but I know they are not very particular where they do it. I have not noticed any pollution of streams arising from such a source. In connection with this subject, I cannot say whether latrine accommodation is provided on any of the estates either for men or women. I am of opinion that, if latrines were erected either for men or women, they would not be used; Indians have a great objection to such places, and there is no law at present in force to compel them. I am aware that, in their own country, coolies use water to cleanse themselves after easing themselves; they do that here, the water for doing so being obtained from wells or from a stream if near by. They have vessels in which they carry the water, generally brass pots; in the absence of brass pots, they use those made of tin. They get this water before they ease themselves; they carry it with them. They fill the pot with water, and then walk to the place where they wish to ease themselves. I think that latrine accommodation should certainly be erected on every estate, and that the employer should have power to compel the Indians to use such latrines. I do not think that it is desirable that coolies should be allowed to go where they please to ease themselves; now they go to the nearest bush or cane-field they can get at. I do not think the present system has anything to do with the health of the Indians; I object to it, simply because it is indecent, and, in going about estates, one is apt to walk into it.

The slight pollution which exists is more perceptible in the dry season than in the wet season. I do not think that the pollution of streams, known to have existed, has been to the prejudice of the health of Indians. I am not in a position to express an opinion whether it is desirable, in future systems, to confine such legislation to the coast districts, or to extend it to the whole Colony. I should say that an estate, by which the nuisance was caused, should bear the costs attending the abatement of such nuisance.

The Government, I think, should bear the costs of the inspection which might be necessary in connection with such nuisances; that is, of course, the salary of an Inspector, whoever he might be, or other person appointed by the Government.

I have not found managers disinclined to comply with my requests with reference to the pollution of streams. Judging from the returns of deaths during the year, I should certainly say that when smells have been bad they have not affected the health of Indians. I certainly should have had certificates of death mentioning that the deaths were caused by the pollution of streams. If the employers on large
estates had the necessary powers to enforce the use of latrines, I think that it could be done. I do not think that the general health of the Indian population of Natal is affected by the pollution of streams.

In the death report the cause of death only is inserted, and not the cause of the sickness; but in case of death occurring from sickness traceable to the pollution of streams, the Medical Officer or Officers would, I presume, draw attention to the fact. My attention has never been drawn to this.

The Medical Officer of the Avoca Circle drew attention to the pollution of streams in his circle, but I do not think that he attributed much sickness to it; he did attribute dysentery to it.

The Medical Officer of the Umzinto Circle also attributed sickness to the pollution of streams, and to the condition of one of the estates in his circle.

No Medical Officer has, to my knowledge, attributed death to drinking of impure water. As to the health of people living near the mills and streams, they are the most healthy on the estates.

Within the last two years I received reports from some Medical Officers with reference to the pollution of streams. I have received these reports since the formation of those dunger pits of which I have spoken.

By Mr. Richardson:

I would enforce the use of latrines to men at a distance, by giving them time to reach the latrines.

With reference to the reports of the Medical Officers, the Managers have, as a rule, attended to their reports save in one instance, the Esque Estate, where the Medical Officer complained of pollution and the condition of the estate generally.

I do not think that it is absolutely necessary that the bodies of deceased Indians should be buried in ground specially separated for them. I have never had complaints that the bodies of Indians ought not to have been buried in the place now set apart for such burial at Durban. As to estates, Indians are allowed to bury where they choose. I think that on each estate a piece of ground should be set apart in which all interments of Indians should take place. I have never seen their graves. Indians generally mark the sites of their graves with stones. Sometimes flags are erected near the grave, about fifteen or twenty yards away.

I have seen such flags and strips of cloth, erected near the lines of Indians. I would infer from this that bodies are buried within fifteen or twenty yards of the lines of Indians. Indians have never complained about difficulties in connection with the burial of their dead. Indians have never complained that want of respect or decency is shown in the burial of the dead. It is true that Indians, dying at the Central hospital, are buried by a gang of convicts, unless the body is claimed by friends or relatives.

From the hospitals the bodies are placed in a shell coffin for conveyance to the burial ground, and the coffin is returned to the hospital. I have never heard complaints from
Indians as to the manner in which the bodies are placed in the grave.

By the Chairman:

I not think that desertion is contemplated by the law. Unlawful absence is contemplated by the law. I think that the penalties imposed by the law for unlawful absence are sufficient, if they could be carried out.

The penalty or punishment imposed for unlawful absence is one shilling a day, not to exceed their month's wages. The case would come under section 29 of law No. 2 of 1870; as to those who continually abscond themselves, as a rule they never have any wages, consequently there can be no deduction. As to acts involving negligence, the law provides thirty days imprisonment or a fine; I think that this punishment is sufficient. I am satisfied with the punishment, now provided for acts of negligence.

With reference to the punishment of the harbourer or employer of an Indian bound to another, I think that the harbourer or employer should be subjected to imprisonment at the discretion of the Court, even in the case of white employers.

With reference to the punishment provided by the 36th section of the law, I have nothing more to say. As to the twelve months, prescribed by that section for the bringing of the notice, I think that the twelve months should run from the date on which the employer discovers that his servant has been so harboured.

Proper diligence, contemplated by the 36th section of the law, would be, I should say, a reference to the Protector of Immigrants.

Section 27 of the law, I think, refers to Indians wandering about the country without a pass; any person asking for employment as contemplated by the law, 36th section, would, I take it, be without a pass, and I think that a person harbouring or employing such an Indian would not be excusing the diligence contemplated by the law if he did not inquire for his pass or free discharge. If the employer or harbourer discovered that the Indian was without pass or discharge, his duty under the 27th section of the law would be to send such Indian to the nearest Magistrate. I do not think that it is absolutely necessary, although desirable, that the person, from whose service the Indian absents himself, should make an inquiry for the missing Indian, although it has been done in certain cases; it is the duty of such employer to report such desertion to this office, and this office makes inquiry through the constables attached to this office and to the various magisteries.

It is not desirable that the twelve months should run from the date of desertion; the reason for this is that most of these deserters are employed by free Indians, and it is a very difficult matter to trace them. I do not consider that the person, so harbouring the Indian, should have written notice that the Indian whom he employs belongs to another employer; and that he should not be punishable, unless he receive such written notice.

I do not think that the 36th clause presses unduly on the harbourer or concailer, nor do I think that it is unduly in favour of the real master of the Indians.
As to the 27th section, I think that punishments should be increased, because the Indians, who would come under this section are continually absenting themselves from estates; moreover, the men who come principally under this section are men who never came to the Colony to work, they are professional beggars, tailors, goldsmiths, &c.

Amongst the penalties which may be enforced on indentured Indians, lashes may be imposed only for adultery. I do not think that lashes should be imposed for adultery, as the punishment is heavy enough without lashes. The penalty of £10 should be "not to exceed £10"; I think I should leave discretion as to the amount of the fine (I am speaking of section 18 of law 12 of 1872). I think, from my experience, that the question of adultery amongst the Indian population is very different from that amongst Europeans.

I think that a fine should be inflicted, or at the option of the Court imprisonment, in cases of harbouring or employing, or both together. The power of imprisonment should be at the option of the Court.

By Mr. Saunders:

As to the penalty of eight shillings under the 36th section, I know one or two cases in which the penalty has been paid, where the number of days was small. I do not think that the reduction of the sum of eight shillings to a smaller sum would be more frequently enforced than is the penalty of eight shillings a day. Informants have been paid, to my knowledge, the award allowed to them by clause 37. I do consider this provision for the payment to the informer to be of practicable value.

I believe a case in the Umlazi Court was thrown out on the ground of the time allowed in the 36th clause, some doubt having been raised as to when the twelve months commenced. No appeal was taken in that case, to my knowledge.

I do not think that uncertainties in interpreting clauses of the law, where cases are not brought forward by the Protector himself, need be brought in review by the Protector.

I consider that the Protector is the Protector of Indian Immigrants, not of Europeans, but where the uncertainties of the law affect the interests of the Indians it would be the duty of the Protector to bring them under review.

I consider that, when an Indian shows a free pass, it is prima facie evidence of diligence; in case of any doubt, reference should be made to the Protector of Immigrants' office.

When an employer detects a case of desertion, he has done his duty when he reports the desertion to the office of the Protector; he however may himself take steps for the recovery of the deserter, and this is often done through the papers. I do not think that the magisterial staff gives much assistance in recovering deserters.

The provisions of the 27th clause may be better met by increasing the term of imprisonment; fine is comparatively useless under the 6th section.

In respect to those Indians I refer to, coming under the 27th clause, as never intending to work, such as professional beggars, tailors, goldsmiths, &c., the evil arises from the bad
selection in India; such men should never have been sent here as general labourers. It is hard to make the employer pay instalments on those men year after year. The Trust Board has made repeated representations to the Agents, requesting that such men should not be sent; they can do no more.

I would be in favour of taking out the 43rd section altogether, and would allow no exemption for desertion or unreported deaths. The instalment ceases on death.

I would give the employer the benefit of exemption from payment of instalments in respect of his servants, who are lost to him in consequence of insufficient machinery being provided by the Government for securing such men's service to the employer. I do not think that Government ought to be made answerable for restoring deserters or men coming within the 43rd section, unless the employer can give sufficient information to the Magistrate, which would justify him in granting a warrant for the arrest of such deserter.

It is not possible for employers to exercise the duties of a detective, so as to discover the whereabouts of deserters.

The system of giving passes, by employers, is a check upon unlawful absence.

Indentured Indians present themselves at the Protector's office without passes; when they do so we hear their complaints: I cannot exactly say under what section of the law. If an indentured Indian be found in the neighbourhood of my office without a pass, he can be arrested under the 26th section of Law No. 2 of 1870.

In cases of an Indentured Indian, residing in the town, being absent from his work, the employer's remedy would come within the 29th section of Law No. 2 of 1870. We want fresh legislation for imprisonment in lieu of fine under this section.

No steps have been taken by the Protector of Immigrants Office to inform the general public of the nature of the Indian Laws, especially as to harbouring: I do not think that it is the duty of the Protector to do so.

I keep a record book of all cases adjudicated by me.

I do not think that Government notice, No. 7 of 1885, is hard upon employers.

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EXAMINATION OF MR. WILLIAM ARBUCKLE, J.P.

By the Chairman:

I reside in Durban, and am a merchant. I have been carrying on business in Durban for thirty years. I have come in contact with Indians ever since they have been in Natal. I come in contact with all classes, both Europeans and Indians, my business being chiefly with Europeans.

I consider that the laws and rules with reference to Indians require amendment. Amendment is required chiefly in respect that the contract should so be altered, that the
men should come here pure and simple servants; that is to say, they should labor. I consider that this is the keystone of the whole.

I think something should be done to the marriage law.

As to the value of the Indian population in Natal, I think that the sugar industry would not be nearly so great as it is now but for the importation of Indians. I consider that so far, on the whole, the presence of the Indians has been advantageous to the Colony, in securing reliable labour in place of the Kaffirs.

I think that it is desirable to bring the Indians, as distinguished from the Arabs, under more efficient supervision and control: I think so, because the office of the Protector of Immigrants has not sufficient control over free Indians.

I think that all free Indians should be put under some system such as that at Mauritius, where they have police passes. I believe that in Mauritius an Indian, before the termination of the term of his service or his application for a free pass, must apply to the police for a Police pass. The Police pass is distinguished from the Protector’s pass. I think that the object of the Police pass is to have more effective control, in tracing where the Indian has been and whither he is going.

I have been in Mauritius. I was there, in 1896, for a very short time, but I do not base my remarks upon my own personal knowledge.

From what I have read and heard I have every reason to think that the Police pass system, in Mauritius, works well.

I think, with reference to the prohibition of the sale of spirits or ardent liquors to Indians, that if it could be done, I certainly would approve of it; I have suffered greatly, and am suffering, by my own domestic servants drinking.

The Indians undoubtedly supply liquor to Kafirs. When I speak of Indians, I think that they are free Indians, because indentured Indians would be under the control of their masters. I myself have seen small bottles of rum hidden beneath packages of soap and other goods in the baskets of Indians in the streets or suburbs of this town. I think that these small bottles of rum were for sale to Kafirs; any Indian can obtain liquor, or rum, without difficulty.

I do not think that I would, by legislation, prohibit a respectable Arab storekeeper or merchant from employing indentured Indians as salesmen or servants. As to the prohibition, by legislation, of Indians, from trading as merchants or shopkeepers, I say that I have no fear of Indians as long as they deal honestly and upon the same conditions as ourselves; if we be not on the same conditions, then I say that I think a dishonest man should not be allowed to trade at all.

I think it is advisable that every Indian, hawking vegetables for a living, whether in town or country, should take out a yearly hawker’s license either from the Corporation or from the Magistrate.

I have had indentured domestic servants ever since Indians were first brought to the Colony, I think first in 1860, and my experience is, that about the end of this year my contract
with indentured Indians will cease, and I have not the slightest desire to renew it. I speak of domestic servants only.

In the growing of mealies and vegetables the Indians do compete with white men.

There are two fairly respectable Indians in Durban, doing a fair business as general merchants, not importers: there may be more.

I do not think that these two compete with white men in town, but they do in the country, having small shops at different places, as the Umgeni and up-country, where they place Indian salesmen, and for which they supply goods. My impression is that these small shops belong to the merchants, except when trouble arises. These two Indians, whom I have mentioned, were indentured men who served their full time, having arrived, I think, in the first ship.

With regard to future legislation, I think that it is desirable that future immigrants should be compelled either to re-indenture at the termination of their five year's service, or to go back to India. In case of refusal, either to re-indenture or to go back, I think that the law should compel by punishment. As to the indentured Indians already in the Colony, I do not think that much can be done to them by legislation; such Indians might remain as colonists, though I should like to see them sent away if that were possible, but I do not see how it is possible. As to the free Indians now in the Colony, I would place them under the police supervision, about which I have spoken. I think that it would be manifestly unjust to send such men back to India against their will. I think that it is desirable, by all lawful means, to discourage caste distinction among the Indians, but I would not interfere with their religion or religious rites, as there is not the slightest difficulty in dealing with them, and there has been no clash whatever; I have been Mayor of Durban for four years and have experienced no difficulty.

As to the so-called Arabs, I would subject them to supervision as they are in the Mauritius; every Arab there, no matter what his caste or how high he may be, has to provide himself with a police pass. I do not know that they are subject to any other disabilities or liabilities. These police passes have to be carried on their persons.

I do not see how the Arabs could be prevented from coming to Natal, and I do not think that it is desirable at present to attempt to prevent them.

In the term, "Asiatic population," in my speech in the Legislative Council, I include Indians and the so-called Arabs.

I think that the coolie is more addicted to drink than the Kafir.

As to domestic arrangements, the Indian is fond of his children, but not so much of his wife: they do beat their wives most unmercifully. They are adepts at small thieving. In some respects the coolie is a nuisance, in some respects he is tolerable, and in some respects he is valuable.

By Mr. Saunders:

Coolies cannot be compared to Kaffirs as citizens, as Kaffirs cannot be citizens.
I am of opinion that the Law of Bourbon sanctions the Indians being compelled to go back at the expiration of the term of their servitude. I have not seen the French Act which confers this power, nor am I aware of the 3rd clause, article 9, of the Convention, which distinctly provides that he shall be allowed to reside within the Colony without any engagement, if he can shew that his conduct has been regular.

I have not calculated what the additional cost of the introduction of Indians under such a condition would be, it would be more costly than the present, but I believe to a great extent you might receup yourself under the police pass system. If the Indian Government refuse to allow these men to come under such a condition of servitude or compulsary return, then I would stop cooie immigration altogether, even at the risk of the destruction of the sugar enterprise, but I think that other means could be adopted by the introduction of Kafir labour. I say this only in view of the Indian Government stopping immigration on such a system; then we would be compelled to adopt other means of getting labour. Attempts have been made heretofore to get kafir labour; at this moment we can get more kafir labour than we require, partly in consequence of the sugar enterprise being at so low an ebb, and partly because there is such a quantity of indentured coolies now on hand, whom we are compelled to keep in employment at the present time.

Applications are still sent in for Indians, because you can get the Indian for five years and the Kafir for only a few months. I am aware that the Government has attempted to appoint an agency for importation of Kafir labour from Doloas, but so far it has failed.

I am not aware that Indians are employed by white men to sell rum; it may be so.

By Brigade Surgeon Lenwr:

I do not think that knowledge of the fact that cooie immigration was stopped permanently would have the effect of creating a panic in the sugar enterprise, because I think that other means to obtain labour would be found. I do not know whether this feeling would prevail amongst others. The stoppage of cooie immigration sometime ago may have tended to check the extension of the cultivation of sugar, but I am not aware that it had the effect of ruining any estate.

My chief objection to the Indians, that there is a risk of their colonising Natal; by sending them back again I get rid of this risk. If Indians are not allowed to remain here as colonists, I should expect the colony to be filled by European immigration, I think that white men will come and fill the colony without our getting Indians to do so. In 1850 the white labourer got three shillings and sixpence a day from the Corporation; now he only gets three shillings.

White men were not leaving the colony before the Indians came more than they are now. About 1852 there was a great exodus to Melbourne, but not greater than during the last twelve months. I do not think the white population was decreasing before the Indians came. I cannot answer the question whether the whites were leaving the colony in proportion to the then population more than they are now doing in proportion to the present population. I do not
think that it is possible to force a man on board, but I would punish him if he refused to go. I think that if the law said a man should go, he would go. I cannot give a comparison between the price of mealies before the Indians grew them and the recent prices.

By Mr. Richardson:

As to Sunday labor, if the man worked on Sunday I would pay him extra, because it is against the contract. Up-country a man must have his stock looked after; some one has to look after it; but even in such cases, as such work is against the contract, I think that extra payment, by food or money, should be made to the coolie.

Land is at a lower rate now than it has been for years.

Under the present contract, Indians cannot be compelled to work on Sunday, but they very seldom object to work on that day.

In case of a compulsory re-indenture of Indians, I think that the second master should bear some burden of the original cost of importation incurred by the Government.

In Mauritius an Indian cannot leave one district to go to another without receiving a fresh pass and paying for it. I am not aware that the passes of free men are signed every twelve months.

DURBAN—SEVENTH DAY.

EXAMINATION OF MR. DAVID HUNTER.

By the Chairman:

I am the General Manager of the Natal Government Railways.

I was appointed in December of 1879. The railway had begun before I arrived. As General Manager, I employ Indian labour to a large extent. At the present moment, we employ 303 indentured and 443 free Indians; with reference to the indentured Indians, at the expiry of the five years, as a rule, a large number re-engage with us as free Indians; forty-seven, so re-engaged, are now working for us. We employ not more than twenty or thirty boys, whose ages vary from ten to fifteen years, who are engaged on messenger work, take number of wagons, collect tickets, and some of them can do a little in writing in English, in my office. The boys in my office can copy letters, put them in envelopes, and address the envelopes. These boys did not come under indenture, they are chiefly the children of Indians who came indentured to us. We have, I think, two boys who have become men in our employ and are now
working with us as free Indians. I have an officer who is styled the Superintendent of the Indian and Native Labour Department; the officer of this department has charge of the depot, of the Indian labourers of all departments of the railway service, sees that all laws relating to Indian immigrants are attended to and has a general oversight of the sanitary and other arrangements connected with the employment of Indians and natives.

In case of drunkenness with free Indians in our department, we fine them departmentally unless the cases are such as affect the public, in which cases they are taken before the Magistrate; they are not taken before the Protector. As to indentured Indians, they are subject to a deduction departmentally, in terms of the laws, by way of punishment provided for unlawful absences. In cases of ordinary neglect by free Indians, we simply fine them departmentally, or admonish them, or remove them to another post, or class of work. For wilful or repeated neglect by free Indians, we dismiss them. If the neglect affect public safety, then we send them before the Magistrate. With reference to indentured Indians, for ordinary neglect we are restricted by the provisions of the law; for wilful and repeated neglect we send them before the Magistrate. In cases of ordinary or repeated and wilful neglect both of free and indentured Indians, we keep records. I will produce a copy showing all cases of free and indentured Indians sent before the Magistrate, and Mr. Manisty can produce a record of all cases in which we have dealt departmentally with offences.

In Durban the department has barracks for the indentured Indians, in which they are all located; the greater proportion of the free Indians are located in the same barracks. Some of the free Indians have houses of their own, or relations with whom they live. I think it a pity to draw a hard and fast line as to free Indians; there are some who have better tastes and who should be allowed their desire to live elsewhere.

The total number of Indians, inclusive of children, living at the Railway Barracks in Durban, amounts to seven hundred and six souls. I cannot give the number of the children of free Indians living out of the barracks. As to the whole line, the total number of Indians, both indentured and free, including children, living on railway premises is, say about 1,700. As to the Durban Barracks, it is the special duty of Mr. Manisty to see to the regulation affecting the separate accommodation of married people. His duty extends to the whole line.

Latrine accommodation is provided in the Durban barracks; a large latrine is at some distance, say fifty yards from the barracks, from which the night soil is daily removed by the Corporation. Every now and again I walk through the Barracks. From such personal observation I have discovered that there is difficulty in carrying out the latrine system, as the Indians are very much given to squat anywhere; to check this we keep a barracks serg-net, who has to go about and see than sanitary regulations are observed. We have a horse and cart constantly engaged in removing such rubbish. If the sergeant observes any breach of the sanitary regulations he reports to his immediate superintendent, Mr. Manisty, who deals with the matter by way of admonition or departmental fine. I must add, that since the adoption of this system during the last few years, matters are improving and cleanliness is growing. We are waiting for arrangements between the War department and the Corporation, after which the whole location will be removed.
to a spot to be agreed upon between the Corporation and the Railway department.

We have the proportion of indentured women which the law compels us to take; none of these indentured women work nor do they ask for it, neither do I think they wish to work.

During the year 1884 we only had eighty-two cases of drunken, disorderly conduct before the Magistrate, out of a total of nine hundred and forty-six adult men employed. I am now speaking of the whole line. As to the percentage with reference to cases of neglect, Mr. Manisty will be able to give the returns. With reference to white workmen, I do not think that last year there were any case of disorderly conduct. I will send a comparative statement.

At the present moment we have Indians performing isolated work to the number of two hundred altogether, as follows:

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We have Indians employed in gangs as labourers in the traffic department, as plateayers on the line, and as assistants to the various classes of artisans employed in the workshops.

The men on isolated work are chosen for their steady habits—I mean as to their freedom from drinking habits. I consider that the Indian labourers are as an efficient class of men as we could well employ. I mean by the word “well,” in the peculiar conditions of the Colony.

I wish to read, at this point, a letter written by me, dated 28th July, 1884, to Mr. Binas, of which I will furnish the Commission with a copy.

I can furnish the Commission with a memorandum dealing in the same way with the number of Indians now employed in the department.

The power to obtain indentured Indian labour yearly is a material help to the department; if immigration were stopped in a year or two the department would, I think, experience a difficulty in carrying out its work.

If in future Indians were compelled either to re-indenture or to return to India at the expiry of their five year’s service, I do not think that my department would be placed at a disadvantage, because we should year by year indent for such men as would be necessary for the upkeep of our labour force.

I am strongly in favour of applying the same rule, as to the prohibition and as to the sale of intoxicating liquors, now applying to kaffirs, to the Indians, whether free or indentured. I base my opinion chiefly upon the ground that such prohibition would benefit the people themselves; I think that drink demoralises the black man more quickly than it does the white man. The mental and physical qualities of the black man are more quickly affected than those of the white man.

We have had several cases, especially at road-crossings,
wherein Indians have been suspected of selling liquor to kaffirs on the public road. I speak of places where the railway crosses the high road; but five cases have been proved, the last case was one on the new line beyond Pietermaritzburg, and in that case the sale had commenced during the construction of the line. I think that there have been one or two cases at Durban, but with reference thereto Mr. Manisty can speak.

With reference to the general condition of the Indians in our employment, we do a little in the way of education at the barracks, and we have an Indian school within the barracks, which receives a grant in aid from the Indian Immigration School Board; the teacher is Juel Peter, originally an indentured boy. I have visited the school occasionally, and I think he does his work well. The average attendance last year was forty-one boys and two girls daily, and, looking at the total number of children in the barracks—164—I think that the percentage is a fair one.

I think the present laws are fairly suitable to maintain the necessary discipline and working of the railway, I mean Indian laws. I do not consider that there is any unusual clash between masters and Indians of the railway department, although the employment of Indians, I consider, places an increased responsibility upon the white men. If kaffirs were substituted for Indians, this responsibility, I think, would be increased; for responsible positions on the railway we cannot employ kaffirs at all, they will not stay long enough and they are without the sense of responsibility.

It would be simply impossible to obtain white men to perform the many isolated and irksome duties performed by the Indians, for instance, work at level crossings and at other lonely posts.

The white men we employ are really a more superior class to the hewers of wood and drawers of water.

By Mr. Saunders:

I think that, on the whole, the Indians we employ are fairly contented, prosperous and happy. Out of a total population of one thousand eight hundred, Kaffirs and Indians, on the line, last year we had thirty deaths, of which twenty-four were those of Indian men, women, and children. I think that it would be desirable that legislation should place the Indian population more under surveillance after the expiry of their term of indenture. Mr. Manisty will be able to give more information touching the Mauritius system of police passes, as he has given time to the subject.

The objection of the Indians to latrines does not proceed from the latrines themselves being filthy, as they are well looked after, but proceeds, I consider, somewhat from their indolent and outdoor habits.

So far as my department is concerned, I do not think any good effect would be produced by returning them to India after the expiration of their term of labour. I think, in the interests of the railway, it is better to keep those men who have been trained to railway duties in the Colony, otherwise we should be constantly training raw men.

There is nothing that occurs to me, requiring special inquiry, to which I want to draw the attention of the Commission.
By Brigade Surgeon Leaver:

As regards free Indians, the hours are regulated in the traffic department by the running of the trains; in the workshops and in plate-laying gangs, Indians work the same hours as the white men, say generally nine hours per day.

We have practically no all-night duty, excepting in a few cases in the railway sheds where men are cleaning engines a'1 night; I will send a memorandum with reference to night duty.

The great majority of our barracks are built of wood and iron, the barracks are generally placed on little eminences. The barracks in Durban are built without any symmetrical order at all; and without measuring I cannot say the area they occupy, I think about four or five acres in extent. There are seven hundred and six souls in the Durban barracks. The buildings are not arranged on any definite plan, but have been put down on regular roads. I believe the rooms in the barracks have a certain superficial area, I cannot name the dimensions, Mr. Manley can tell you. We have no specific rule as to limiting the number of inmates per room.

The cookies are not allowed to keep pigs, cattle, and poultry in the vicinity of the building; there is an unwritten law to that effect.

There has been a deal of difficulty as to Indians accommodating friends in the barracks, and that is a matter for constant watching.

There is no immediate prospect of moving the barracks from their present central site to the more remote one contemplated.

The latrine system is the same as the Corporation system disinfectants are supplied for the purpose of sprinkling, and the barrack sergeant looks after them.

We have had no outbreak of disease in the barracks; we have a hospital in the place and a dispensary. We get our water supply chiefly from wells and from the roofs; it is of good quality.

Temporary sheds are erected in the vicinity of the barracks by the Indians, who add their own erections to the buildings provided by the department.

By Mr. Richardson:

Our inducements to Indians, to get them to re-engage, are, that we hold out the prospect of promotion into the better-paid departments.

There have been some cases in which Indians, allotted to the railway department, have been unable to do the work from physical incapacity; there were five of such cases last year.

We give a discharge ticket to free men leaving our employ, but we do not go into details of character and ability.

I think that it would be very desirable to give written characters to all men who are dismissed; but, as the general public do not observe such a rule, we do not.
142

Last year we had twenty-eight cases of desertion, of whom we recovered twenty by our own agencies.

I think there is room for improvement in the arrangements sanctioned by law for the arrest of men who cannot give an account of themselves; the difficulty would perhaps be met by some police pass system such as has been referred to. I think that the punishment now provided, for the offence of desertion, is hardly sufficient.

I am unable to give an opinion as to the desirability of throwing the costs, of obtaining the return of a deserter, on the employer, as it is a matter of financial adjustment.

I think that the Indian should receive the same legal privileges as the general members of the community.

———

EXAMINATION OF MR. J. MANISTY.

By the Chairman:

I am in charge of the Indian and Native Labour Department. I was fifteen years in India. I was first appointed to the Madras Presidency, then transferred to Bengal, then transferred to Bombay Presidency, and afterwards to the North-West Provinces.

I was in a steamer for some time, and have been brought in contact with the Indians. I have had a good many opportunities of becoming acquainted with the Indians and their customs.

I have the entire management of the whole of the Indian and Native staff on the lines; as a rule all complaints are sent to me for disposal. I manage all matters connected with rations, working of hospitals, and keeping up the general supply of labour, free and indentured, Indians and Kafirs.

I can give a return of all cases in which we dealt departmentally with drunkenness, and neglect, whether of an ordinary or wilful character.

I cannot estimate the value of the work of the Indians on the lines too highly. I will hand in a memorandum, shewing the proportionate costs of coloured and white labour. I consider that this indentured Indian labour is of great importance to the department. I consider the Indians to be remarkably good servants. I should decidedly give the preference to the Indian rather than to the Kafir, looking at the aggregate, and this without consideration of the fact that a Kafir cannot be kept at work for a long period.

I think that it would be a very great advantage to prohibit the sale of liquor to the Indians. In saying this I speak in the interests of the employer as well as of the Indians. The employer does not suffer so much as the Indian. We have had numerous cases, not only on the line but outside, where Indians have sold liquor, generally rum, to Kafirs.

With reference to the compulsory return of Indians, after the expiration of their indenture, or compulsory reinindenture, I do not think that such a system would materially affect the working of our department. If, in future, Indian immi-
igration were stopped altogether, the effect upon our department would at once be to send up the rate of wages. It would be difficult to see the eventual result.

I exercise a very careful supervision over the sanitary arrangements of the barracks. There is a schoolroom inside the barracks. There is great room for improvement in the barracks; we are too crowded. The only cause of the non-removal of the barracks is the War Department.

The Indians on the line are very contented; they would all like to come to us from the ships. I think that I might say that about thirty per cent. of those who come to us, as indentured Indians, stay on with us as free Indians; more would come but we won't have them, because we weed out those who have not behaved very well.

I think that the Indians in the Railway Department have every privilege they could well wish for, and I cannot suggest any way in which their general condition could be improved.

I would not, on the whole, favour the scheme of compulsory reshipment or of the compulsory reindenture of time-expired Indians; I would give them the option of remaining in the Colony to follow such occupations as they might desire, on payment of a certain tax. As to the tax, I would license them; I speak of free Indians. I am now speaking of the Mauritius system, by which every man, whether he has been indentured or whether he has come to the Colony of his own accord, has to take out a Police pass, whatever be his occupation. I submit, for the consideration of the Commission, a private memorandum which I have prepared with reference to this system of police supervision. I have been in the Mauritius; I was there about eighteen months. Any objection which I have to the present system refers chiefly to the Indian when he becomes free.

There are six distinct classes of Indians for whom registration is required in the Colony, who have somewhat to do with the Protector's office. They are—

No. 1. Indians imported by Messieurs Whythes and Jackson.

No. 2. Time-expired Indians, who have left the Colony for places other than India, and who have returned as free.

No. 3. Time-expired men who have completed their term of ten years, and who have obtained an extension of time for three years.

No. 4. Indians who are born in the Colony. This class requires very important notice, as they carry no papers, and frequently deserters pass themselves off as belonging to this class.

No. 5. Indians who have completed the term of five years of indentured service.

No. 6. Indians who have not completed their term of five years of indentured service, but hold permission from their masters to work elsewhere.

I think it would be very desirable to place so-called Arabs, who come as free passengers to this Colony, and others who
come of their own accord from India, under certain restrictions. From what I have seen in India, I do not think the Indian Government would object to such rules; on the contrary, I think that the Indian Government would approve of them, as placing the so-called Arabs and others under supervision. I certainly would not prevent such persons from coming to the Colony, but, when they are here, I would place them under supervision; I would make any evasion of such rules punishable by fine or imprisonment.

The Indians in Natal are not influenced by caste prejudices, comparatively, as they are in India.

I do not think that the punishment for absence without leave is sufficient. The magistrates require more power in cases of repeated absence without leave.

I do not think that coolies drink more than the corresponding class in England. I think decidedly less.

By Mr. Saunders:

I do not think, so far as the Indian's welfare is concerned, they could be better looked after than they are.

I do not think that the Indians are unduly exposed to unhealthy influences.

I was engaged in Mauritius recently for Whythes and Jackson.

Comparing the condition of the Indians in Natal with those in Mauritius, I think they are in a little paradise here: without any exception Natal is the finest Colony for Indian immigration.

I was in Ceylon for some time, and I consider the condition of the Indians in Natal better than that of those there.

In Mauritius, I believe, the practice is, that if the Indians refuse to take out Police passes or to re-engage, they must go back to India.

Referring to the attempt made by the Australian Government to import coolies to that country, the Indian Government acceded to all the propositions made, but, with reference to the projected compulsory return after these five years had expired, they stipulated that no coolie should be prosecuted or punished should he refuse to go back.

By Brigade-Surgeon Leven:

I think the habit of drinking is acquired by the Indians in Natal after arrival, in consequence of the extreme facility with which drink is procurable, and also from the fact of the coolie finding himself in possession of more cash in one month than he ever saw in twelve months in his own country.

There is no limit to the superficial area in the rooms in the barracks. We generally give 8 by 10 by 9 to two persons, either to a man and wife or to two males.

Free Indians are engaged for night duty in the locomotive department; they are out of bed every night and are off duty during the day.
I will make a return of the deaths of Indian infants under eight days, and under one year.

We have no latrine accommodation for Indians employed along the lines.

I have never heard of any cases of infanticide among the Indians, neither have I heard of cases of abortion induced by the eating of green fruit or by mechanical means.

As to still-born children, it is the custom to bring them to our notice; very few have been brought to our notice, but several children have died immediately after birth.

By Mr. Richardson:

The average pay of ordinary free Indians on the line is 22s. a month; we ration them as well. I think an Indian can do about the same amount of manual labour as the kaffir, but he requires a little bossing-up—he has not the same strength, but he has the knack.

Kaffirs have a great objection to railway work.

I think it would be a very good plan for employers of Indians to give them a written character on leaving their service.

I think Government has initiated the plan for the granting of characters. I consider legislation necessary to enforce characters being given to men at the expiration of their service.

By the Chairman:

As to Ceylon, it was in 1854 or 1855 that I visited it, and then I was at Trincomalee; I was there about two months and made a visit to one coffee estate, which was two days' riding from Trincomalee.

DURBAN—EIGHTH DAY.

Examination of Mr. R. C. Alexander.

By the Chairman:

I am Superintendent of the Borough Police. I became Superintendent in May of 1876. In my capacity as Superintendent I have seen a great deal of the Indian population. During the first few years I had about 200 Indians under me, the greater part of whom were indentured; twelve were not indentured. I was then Inspector of Nuisances as well as Superintendent of Police. I had under my control the night soil men, those who worked at the depot, dust department, scavengers, they being a separate gang employed on the streets, and the street-lighting department; this latter is still under me.

In all these departments the men were Indians. The total number of free and indentured Indians at present in
the borough is 3,837, only about 530 are indented; this is as near as I know—this number including women and children. The number of the European population now in the borough is 8,543. The native population is 4,220. I produce a return containing statistics from 1876 to present date. I wish here to produce a report, which I offer to the Commission, to be incorporated in my evidence if they desire to do so (S); appended to it is a report from Constable King as to the state of the burial ground used by the coolies and natives.

As to the burial of Indians, I think that amendment must be made; the burial ground should be thoroughly cleaned of all underwood, small blocks should be laid out for the various castos, the place should be properly fenced in and locked-up, and each burial should be under the supervision of someone appointed by the Corporation. The Arabs have a separate piece, which they have walled in. I know very well all the different locations of the Indians here. As Superintendent of Police I am as well satisfied with the sanitary condition of the Indian locations as I can be; their sanitary state can be improved. I have no fault to find with the railway barracks here, they are fair for Indians; all the Indian requires is plenty of room and plenty of ventilation.

The Indians are to be considered as a necessary evil at present; we cannot do without them as labourers—we can do without them as storekeepers; they are as good as the natives, they have very much improved, but the natives have gone down very much; nearly all the thefts now are committed by natives. As far as my experience goes the natives obtain drink from Indians, and from everyone else who will supply them; I find some white people as bad as Indians in this way; these are men out of employ—vagrants,—who, to gain a sixpence, will supply a native with a bottle of liquor. Under the present law I do not think it would be advisable to stop the supply of liquor to Indians, because it would encourage smuggling; I should be very glad to see it stopped through the whole colony.

I think the Indians are in a very happy condition here, and far better off than in their own country; their health is far better here, and I think Natal can compare very favourably with their own country in respect of their health. I think it would be advisable to introduce a system of police supervision over free Indians. I am acquainted in some way with the Mauritius system, and have copies of their laws and good regulations. I have had several of their discharged constables in my force. I find in Mauritius they have more laws and regulations than any other place under British rule, and they certainly have more police, and yet there is more crime there than in any other place.

In the present condition of Natal I do not think it is possible to substitute a white for an Indian population, I do not think we can. I can deal with the 3,000 Indians with the staff that I have, but if there were 3,000 corresponding white British workmen, I could not.

The only thing which I wish to add is my regret that we cannot compel our able-bodied natives to work; thousands idle away their existence in kraals, and this compels us to import Indians. I cannot blame these Indians for saving money and starting business.
By Brigade Surgeon Leuer:

I was five years in India when I was young, as a soldier. I think caste prejudices are disappearing from Indians in Natal very much.

Coolies have not taught the Kaffirs to thieve, but they have assisted them to drink; the Amatonga native has taught our Natal natives to thieve.

Indians must produce a doctor's certificate before their dead can be buried. I do not know of any instance of cremation in Natal. We have no recognised Indian prostitutes, such as street walkers; the habits of the Indian women are very loose here, the Indians are not at all particular as to whom they associate with in the absence of their husbands; they live with Chinamen as man and wife, and they are frequently caught cohabiting with white people.

I do not know of any cases of criminal abortion here. I have no suspicion of the crime of infanticide being practised here. Occasionally an infant loses its life in a suspicious manner and the explanation has been unsatisfactory. If small-pox or any infectious disease broke out amongst the Indians, in a crowded thoroughfare or near any other house, I should remove the case to the hospital. I have power to have the patient examined by the Medical Officer, and then a writing would be granted by the Mayor to remove the family at once to the small-pox hospital.

By Mr. Saunders:

In Mauritius I attribute the great amount of crime to not using means in its infancy to stop it. I know a large number of Indians from Mauritius in this borough, who have been pointed out to me as desperate thieves when there.

By Mr. Richardson:

If the immigration is carried on in Natal in the future as it has been in the past, crime must increase under the present want of police supervision. It amounts to this: if we import more Indians, we will require more police. The free Indians in the borough do not have their passes endorsed every six months.

If there was a law here imposing the police pass system over free Indians, I would consider it necessary to have the passes endorsed and supervised every six months.

If the natives could be get to work I should prefer them to the Indians; they are a far superior race to the ordinary coolie sent to Natal.

I would rather not say who are the receivers of stolen goods, for want of sufficient evidence; the greatest difficulty I have, in tracing goods stolen by natives, is the facility offered to the Amatonga native of escaping to his own country with the property stolen.

I find that people generally suspect coolies of doing everything wrong, stealing fowls, &c., but I find such is not the case; out of the last nine cases of fowl stealing, all of which were laid to my Corporation night-soil coolies, I find that two natives and three white men have been convicted of stealing these fowls.
There has always been the ordinary competition between the Indian and the white man for lands occupied by these coolies.

In the generality of cases I do not think that white people could live where these Indians live.

The Burgess Roll of the town of Durban shows the names of one hundred and sixty-two free Indians.

The following is the report referred to in the foregoing evidence and marked S:

_Prosperity of Arabs and Indians in the Borough during past 20 Years._

**Stores.**

1865.—Not an Indian of any sort held a License in the Borough.

1870.—I find there were two Indians trading in the Borough on a retail shop license.

1875.—I find 13 retail shop licenses issued to Indians, and in June, 1875, Aboobaker Amod takes out a retail shop license.

1880.—I find 30 retail shop licenses issued to Indians and 7 retail shop licences to Arabs.

1885.—I now find only 26 licenses issued to Indians but about 40 wholesale and retail Arab stores in the town, also all the stalls in our market rented by Indians, and 9 retail shop licences issued to Chinamen.

**Remarks to Arab and Indian Storekeepers.**

Of the twenty-six Indian storekeepers only about six are old firms, started by men who came here some 20 odd years ago as indentured Indians and worked themselves into a good business and position before the Arabs arrived. They are now scarcely able to keep their business afloat.

About 24 old Indian firms have, during the past 10 years, sold out, and their stores taken by Indians who came to this Colony free, most of them from Mauritius, the remainder direct from Indian parts.

Of the 40 Arab storekeepers (more than half have arrived here during the last 5 years) 10 of whom came from Mauritius, the remainder direct from Bombay.

The proprietors or managers of these stores are assisted mostly by their relatives, or in absence of such, their countrymen; the total number of assistants is about 80.

The Arabs employ very few Indians in town, only about 18 in all, and they are free men and are employed only as labourers.

The Arabs will only associate with Indians so far as trade and labour compels them.
At present the buildings occupied by Arab storekeepers are mostly the property of European residents who receive from these Arabs very high rents for the same.

There are 20 Arab stores in our main street and about 20 in other parts of the town.

The salaries paid by Arabs to their assistants run from 10s. to 30s. per month, whilst some have a share in the business instead of salary.

The goods they sell consist chiefly of food and clothing for Indians and articles required for Kaffir trade.

These goods are imported by themselves direct from the manufacturers.

I find our own Arabs have about 20 branch stores in other parts of Natal, Free State, and Transvaal.

About 80 Arabs have settled down here during last five years.

The Arabs in Durban have erected in Gray Street a large Mosque for religious purposes.

They are exempted from the 9 o’clock p.m. bell, and some of the head men inform me they are very happy and comfortable in our town.

House and Land Property in Durban now owned by Arabs and Indians.

1. In 1887 I find only two lots owned by Arabs (Aboobaker Amol) valued at ...
   17 Lots owned by 12 Indians and valued at 3,685 0 0

   Total value ... ... 3,955 0 0

and only 50 Indian families owned or rented houses.

2. In December, 1884 (or 7 years afterwards) I find 40 pieces of property owned by about four Arabs and valued at ...

   96 pieces of property owned by about 78 Indians and valued at ...

   Total value ... ...

   33,605 0 0

Thus we have 136 Lots of land in this Borough (most of which have buildings upon them) the sole property of Indians and Arabs.

I also find we have 162 buildings occupied by Arabs and Indians (ratepayers), and further I find that 22 European families are now the tenants of Arabs and Indians.

I also notice that almost every Indian who returned home (to India) when free has come back to Natal; those who have not had the money to do so, return to Natal as indentured Indians.

Large numbers of free Indians visit India annually when they have saved sufficient money to do so.
In addition to the large number of free Indians now settled down in the Borough, about 2,000 have bought or rented land and built huts within two miles of the Borough boundary. They thus escape all rates, taxes, and Borough By-laws; they seem to live by cultivating the land, hawking the produce of it, rearing fowls, goats, &c., and making 100 per cent. profit on liquor they sell to natives.

The Conduct of Arabs and Indians during the past nine years.

The conduct of the Arabs has been throughout exemplarily during my nine years chief constableship. I only know of one case of embezzlement and about 15 slight cases of neglect to comply with our By-laws, but not a single case of drunkenness or disturbance.

Next to the Arabs come the "Afghans" recently imported, then the "Bengalee" (or Calcutta men), then the "Madrass" and last and worst the "Mauritius" Coolies, most of which were imported here 10 years ago for Railway contractors.

The accompanying statistics for the past nine years will show the behavior of Indians as compared with Natives.

**INDIANS.**

**Nature of Offence Committed.**

<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Traffic</th>
<th>Assault</th>
<th>Misconduct</th>
<th>Code &amp; By-laws</th>
<th>Vagrancy &amp; Vagabonds</th>
<th>Desert</th>
<th>Total</th>
<th>Supplying Natives with Liquor</th>
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<tr>
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<td>1,450</td>
<td>29</td>
<td>8</td>
<td>101</td>
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<td>1877</td>
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<td>10</td>
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<td>56</td>
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<td>2,119</td>
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<td>31</td>
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<td>13</td>
<td>120</td>
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<td><strong>Total</strong></td>
<td><strong>26,659</strong></td>
<td><strong>566</strong></td>
<td><strong>189</strong></td>
<td><strong>862</strong></td>
<td><strong>13,081</strong></td>
<td><strong>2,300</strong></td>
<td><strong>306</strong></td>
<td><strong>17,304</strong></td>
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NATIVES.

NATURE OF OFFENCE COMMITTED.

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<tr>
<th></th>
<th>Population</th>
<th>Thefts</th>
<th>Assaul 6</th>
<th>Drunk.</th>
<th>Missconduct</th>
<th>Cold-Blooded</th>
<th>Wandering</th>
<th>Total</th>
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<td>82</td>
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<td>81</td>
<td>82</td>
<td>1,783</td>
<td>357</td>
<td>2,485</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32,146</strong></td>
<td><strong>1,091</strong></td>
<td><strong>263</strong></td>
<td><strong>620</strong></td>
<td><strong>994</strong></td>
<td><strong>15,972</strong></td>
<td><strong>4,103</strong></td>
<td><strong>22,943</strong></td>
</tr>
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The above statistics do not show those who forfeited bail in preference to appearing at Court.

But I find in going over my accounts, that just a decimal over one half, arrested for contravening a By-Law, forfeited their bail.

Bails are only taken in By-Law cases; the amount is regulated in accordance to the offence committed without reference to nationality or position.

I have no record to show the difference between the free and the indentured Indian, but I have always found them much the same in behaviour.

Drunkenness is an habitual offence with the ordinary Coolie. Few commit petty thefts.

The most serious offences are caused by their women, who are constantly forgetting who they are married to, which I don’t wonder at much, as the mothers of some of the girls also forget, and often sell, or promise their daughters to several different men.

I notice that none of the Chinamen have their wives in Natal, but most of them are keeping Indian women. But I don’t find any Indian women living with natives.

I have complaints from natives that Indians are all over the Colony picking up skins, and other odds and ends, that they (the natives) used to earn a living at in times past.
In the above statement I have endeavoured to keep to facts, the details of which I have (as far as my time permits me) worked out and kept in my possession.

(Signed)

RICHARD C. ALEXANDER,
Superintendent of Police.

Durban,
21st February, 1885.

DURBAN.—NINTH DAY.

Examination of Mr. Henry Binns, M.I.C., Chairman of the Indian Immigration Trust Board.

By the Chairman:

I am the Chairman of the Indian Immigration Trust Board. I was appointed to the Board in 1880, immediately after publication of the last law, with reference to the Immigration Board, in the Government Gazette; the number of the Law is 15 of 1880.

There are five members now on the Board: I (the Chairman), the Protector of Immigrants, who is ex officio a member of the Board, the Colonial Treasurer, the Collector of Customs, and Mr. St. George Arbuthnot of the Umzinto.

Every year one member retires in April; this does not apply to the Protector.

The outgoing members retire on the last Wednesday of April. I think it would be advantageous for the up-country employers of indentured labourers to be represented on the Board; my reason for saying so is, that it would remove a great many doubts and misunderstandings which now exist and because the conditions under which they have to perform their labour are, in many respects, different to those on the Coast. I regard the principle, which is, to a certain extent, a representative one, of employers having seats on the Board, a good one. I would have one more member for the up-country employers selected. Taking into consideration the number of Indians employed in the upper districts, I think that one member would be sufficient to represent them.

I think the Protector of Immigrants should decidedly be a member of the Board, because at every meeting of the Board there are frequent questions arising, with reference to which the Protector only can afford the information which the Board requires. This particularly holds good as to all matters which affect the medical attendance upon the Indian population, and the management of the hospitals. The Protector, much of whose time is occupied in travelling about the country visiting estates and hospitals, can generally afford the Board much of the information required; if the Protector was not a member of the Board, he would practically have to be in attendance to afford information, at a considerable part of every Board meeting.
The Protector is not in any sense the servant of the Board. The Board has never interfered, in fact on more than one occasion, has definitely declined to interfere in all matters of a judicial character in which the Protector, in his magisterial capacity, is concerned. In matters of a financial character, as distinct from those of a purely judicial character, the officer who holds the appointments of Secretary to the Trust Board and Assistant-Protector receives instructions from the Board; Law No. 15 of 1880, Clause 3, states:—

"The Board shall advise, assist, and co-operate with the Protector of Immigrants in all matters connected with Indian Immigration," and the intention of this clause may be said to have been fulfilled since the passing of the law, with the exception that judicial matters have never come before the Board, and, as a rule, minor details of a departmental character do not come before the Board.

I certainly think that, in such matters of minor detail, the Board, if it wished, could exercise control. In cases of assault between Indians, where the complainant and defendant are both Indians, I see no objection to the Protector of Immigrants deciding such cases: this refers to the Borough. As Chairman of the Trust Board, I have no knowledge of the experience of the Protector with reference to his judicial duties. In my capacity as Chairman I think that, as to the hearing of cases of assault between Indians themselves by the Protector, any alteration of the present system would do more harm than good. The natural inherent liking of the average Indian for litigation of all kinds, particularly if it costs him nothing, would lead to an immense of trivial cases being brought forward, and on the other hand I doubt whether there would be any benefit; Indians are very ready to go to make complaints, either to the Protector or the nearest Magistrate, whenever there is any ground for them.

I think that it is advisable, in cases of assault, that the ordinary Courts in the land should deal with them rather than the Protector when he visits the estate. I think that the Magistrate should sit alone to hear such cases, because I can see no reason why, if the interpretation is good and sufficient, the Indian population should be treated differently to either the European or Native population, seeing that there should be the right of appeal as in all other cases. I think that the Protector, in extreme cases, might with advantage advise with the prosecuting officer, but this would of course render him incompetent to sit on the bench, as provided for in one of the present laws. In an extreme case the Protector should have power to advise the defendant, or, if necessary, to retain advice on his behalf.

As to cases of assault where one of the parties is European and the other an Indian, I think that all such cases should be heard by Resident Magistrates sitting alone, because the functions of the Protector necessarily lead him to view any such case from the side of the Indian whose interests he is appointed to watch over and protect. If the law took away the right of the Protector to sit on the bench, the Protector should, in extreme cases, have the right to institute proceedings; in ordinary cases of no great importance the ordinary course of justice, which affects the European and Native populations, should prevail. I think that in cases wherein go to Magistrate, after adjudication, comes to the conclusion that an Indian complainant has brought a false or frivolous charge against a white employer, he should have the power to cast the complainant in costs, or, in extreme cases, to inflict punishment by fine or imprisonment; such
costs within certain bounds should be recoverable from the complainant by stoppage from his wages.

As I do not understand any of the Indian languages, any opinion which I may offer on the question of interpretation is formed, in a great measure, upon hearsay, upon information given to me, and upon complaints made to me by many Indians in the Colony at different times. I have come to the conclusion that the interpretation generally in the Colony is bad, and that it is a discredit to the Government of the Colony. I refer to the interpretations generally. I think that all cases affecting marriage and divorce should, as much as possible, be left in the hands of the Protector, and of any officers exercising an authority in judicial matters equal to that of the Protector. I think that there should be a right of appeal to the Supreme Court.

I certainly think that the power of inflicting lashes in such cases should be abolished. I think that, subject to the approval of the Governor in Council, it would be advisable that the Protector should have power to make and prescribe rules for regulating the practice in any court in which he specially presides.

With reference to fees which might be payable, I think that the Protector should have power to make and prescribe rules, subject to the approval of the Governor in Council.

I think that it is desirable that the registration of a marriage should be considered, for all legal purposes, as constituting the marriage. I think that questions of divorce should be dealt with by the Protector, subject to appeal to the Supreme Court. I think that adultery only, even unaccompanied by cruelty or by desertion, should in some cases justify a divorce being granted.

Desertion and cruelty would also afford grounds for divorce, and adultery coupled with desertion or cruelty.

I think that legislation need not deal with the question of bigamy amongst Indians.

I do not think that it is necessary that the Protector of Immigrants should speak any of the Indian languages; an imperfect knowledge of one or more of the languages is often the cause of great mischief, but there might be advantages in a Protector being able to speak and understand one or more of the languages sufficiently well to avoid the necessity of interpretation.

Considering the fixed salary now attached to the office of the Protector (£500), with the allowances for horses and travelling, I think that the remuneration is sufficient for the office.

The leaving of an estate by gangs of men, with or without cause, should be punished more severely than the present law makes provision for, but at the same time every facility should be given for a reasonable number of men, representing the gang, to go to make what complaint they desire.

When any new legislation takes place the line should be perfectly clear where the duties of the Protector’s office end, and those of the Trust Board begin.

I call attention to the paragraph on page 5 of the last report of the Trust Board, and I agree with the opinion there expressed.
The question of the control of the medical fund is now in an unsatisfactory position, it not being sufficiently clear whether such control rests with the Board or not; I may say generally that the financial work of the Board is on a satisfactory basis. Any interference with the £10,000, annually paid by the general revenue, would completely upset the whole immigration system, all calculations are based upon this amount continuing to be paid, and all contracts now entered into, and all applications, which have been received for Indians to be brought to the Colony, are also based upon this payment.

In some matters, such as the investment of moneys, the laws very properly lay down that the Board must have the approval of the Governor in Council.

The Protector of Immigrants, and any other officers exercising judicial functions, should be appointed by the Governor, but, in matters of ordinary routine, the Board is not aware at present of any controlling power, nor do I think that it is necessary that there should be any, particularly as power is reserved to the Governor to dissolve the Board at any time.

There is a yearly audit of accounts; I do not think there have been any surprise audits since Mr. Crowly took up office, but the Board is liable to such.

The appointment of a representative of up-country employers of Indians, who should be, if possible, an employer himself, might be attained by an addition of one to the present number of the Board, or by substituting such a representative for one of the officers of Government, who have usually had seats at the Board under section 2 of Law 15 of 1880. I imagine the latter course could be followed.

I was not in the Legislative Council when Law 20 of 1874 was passed, but, in the debate which took place in the last session with reference to Indian immigration matters, the Attorney General stated that at the time that law was passed the payment of this amount was regarded as a settlement, for all time, of a question which had given rise to much controversy, and that it would be wrong for the Legislative Council to interfere with the amount. It must be remembered that, although the employer, to whom an Indian is indentured on his arrival, gets the benefit of his services for five years, during the succeeding five years, in which the Indian is bound to remain in the Colony, others than such employer usually have the benefit of the Indian's service; for this reason it seems unfair that the first employer should pay the whole cost of the introduction, and of the return passage, of the men assigned to him.

By legislation, prior to Law 20 of 1874, the employer only paid two-thirds of the cost of introduction, &c., leaving the balance of one-third to be paid out of the revenue of the Colony, and the whole system has been from the very beginning worked upon this basis. I believe that this originated from the fact that the general revenue of other Colonies contributes largely towards the costs of introducing Indian labourers, for instance in 1882 the island of Trinidad paid £52,274. The island of Mauritius contributes considerably more than one-third; the amount which an employer has to pay to the Government for each Indian introduced is only about one-half of what it is here.

I think the idea which has been mooted, that all Indians should be compelled to return to India at the end of their
term of indenture, is most unfair to the Indian population, and it would never be sanctioned by the Indian Government. In my opinion, the free Indian population is a most useful section of the community. A large proportion of them, considerably larger than is generally supposed, are in service in the Colony, particularly employed as house servants in the towns and villages; they are also considerable producers, and from information, which I have taken some trouble to gather, I conclude that the free Indians have grown about one hundred thousand muids of maize per annum for the last two or three years, besides considerable quantities of tobacco and other articles. Before there was a free Indian population the towns of Pietermaritzburg and Durban had no supply of fruit, vegetables and fish; at present all these things are fully supplied.

We have never had any immigrants from Europe who have shewn any inclination to become market gardeners and fishermen, and I am of opinion that, but for the free Indian population, the markets of Pietermaritzburg and Durban would be as badly supplied now as they were ten years ago.

The free Indian population has a small number of mechanics amongst it, and I am not aware that the rate of wages of European mechanics has been affected in any way. Were coolie immigration to be permanently stopped, the rate of wages, payable to European mechanics, would probably not be affected one way or the other, but, in a very short time after such stoppage, there would cease to be as much employment for them as there is now. Tropical cultivation never has been, and never will be, carried on without Indian labourers.

On the whole, I think that the amalgamation of Immigration Agent and Protector has not worked unsatisfactorily.

I do not think that the Board, as a Board, has taken any decided action on interpretation: the subject has been more than once discussed by the Board, but there was a feeling that the question was doubtfully within its province. I am, however, aware that more than one member of the Board has called the attention of the Government to the question.

It was before I had anything to do with the Board that the Immigration Agent imported qualified interpreters from India, and I can give no information of the result.

With reference to the regulation of marriages, it will be necessary for both parties to appear before the Protector at the time of the registration.

I believe that many of the crimes committed by Indians, do arise from feelings of jealousy and disputes between man and wife.

I suppose that the law, when passed, would lay down definitely under what circumstances, and for what reasons, divorces can be granted. I think it would be advisable that the views of the Indian population should be obtained before any legislation on the question of divorces is finally decided on.

I think it would be advisable to offer facilities to Indians for making testamentary arrangements with reference to their property, and all such documents might be registered in the Protector's Office. I think that this question, and others of a similar nature affecting property, should receive
consideration, and better provision than now exists should be made for dealing with them.

The Board has always been exceedingly careful to keep clear of what might seem to be any interference in connection with judicial matters.

*By Brigade Surgeon Lever:*

There have been a good many instances in which free Indians have sold their discharge certificates to indentured men.

In the more sparsely populated districts of the Colony different arrangements are necessary from those now in force; in some cases more liberal payment to Medical Officers will meet the difficulty, in others medical gentlemen, who are not recognised as in charge of medical circles, might be arranged with to take charge of districts.

In my opinion, power should be given to the Trust Board, in case of any difficulty arising, to make the best practical arrangements. If the cottage hospitals at Howick and Stanger answer the purpose for which they have been established, it would seem advisable that several more should be established in different parts of the Colony.

*By Mr. Richardson:*

The reason for paying the bonus to Indians, before embarkation, was to induce volunteers to come to Natal; that system has been stopped.

Payments are made to Indians in different Colonies in different ways; some are made by day work, some by piece work, but, on the whole, I believe the rate paid here to be the lowest of all the Colonies: I am speaking of indentured men.

In Mauritius the indentured men are paid a higher rate than they are here.

By the words "Indian Immigrant," I understand such as come under the Indian Immigration Laws.

As to the proviso in the 58th section of the proposed Consolidating Law, I think that the £75 should be reduced to £25.

It would not be advisable to bring into force again the provisions of clause 41 of Law No. 2 of 1870.

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Examination of Mr. G. C. Caro, M.L.C.

I have resided in Natal since 1839. I am now a member of the Legislative Council. Cato Manor belongs to me, it adjoins the town of Durban. I have had the estate of Cato Manor ever since I have been in Natal, and I have employed Indian labourers since their first introduction to Natal.
I have formed an opinion of the value of the Indian labourer to the Colony. I was at the first meeting which was held to discuss the advisability of importing coolies, and I oppose it on the same grounds upon which I oppose at present. Those grounds are, that there is a sufficient number of available natives, in and around this Colony, to supply all wants, if properly handled by the Government. I think that half the colony would support my view. A system of embooken, or registration, should be started on the same plan as that adopted for the coolies, and the wages should be fixed, and there should be a compulsory law that all employers should have their natives registered, subject to a fine if they failed to do so. So far as my experience goes, the white employers of Natal natives object to the trouble of having their servants registered. It would be necessary to keep up the tribal system, to enable the master to trace the runaway servant, and his Chief would have to produce him. The cooie system, with a little alteration, would meet the case—to this must be added the Dutch system of compelling idlers, in the native locations, to turn out and do road work in their own stations, the Government supplying the tools and the supervision, the natives receiving no pay for their toil. Now, there would be a difference, as it would be a case of dealing with an overgrown man and not with a child, as it would have been thirty or forty years ago. I think that would complete the system.

I think that the system which I have sketched, would render this Colony, in the future, independent of the introduction of Indian immigrants. The introduction of such a system must precede the stoppage of immigration.

I am a director of one of the Banks, and I am one of the directors of the Great Central Sugar Estate, the Waterloo, and other estates.

If the Government were not prepared to adopt my system, but; without it, was prepared to stop Indian immigration for a time, I think that such stoppage would be beneficial to the Colony, because most of these immigrants or coolies are imported to carry on the sugar enterprise, which at present is being worked at a dead loss to everyone, and because some of the coolies who are imported, when allotted to the different estates, will not work, and there seems no way of getting rid of them. The present system of importation of coolies, for instance the short tenure of service for five years, is bad. If the system of immigration is to continue, I think that the period of five years service should be increased, but I would rather see the system stopped altogether. If the present introduction of coolies be continued, I think that the cooie should either re-indenture at the end of his five years service or should be re-shipped to India, but I think that the applications for indentured Indians will naturally cease.

In the case of Indians now in the colony, if they will return of their own free will so much the better; if they are in any way bound to return, I would compel them. I do not see how it is possible to compel those who are not bound to return, to return; they are free British subjects, too much so.

I know, as I am a member of the Licensing Board of this Colony, that the Indians sell liquor to the natives as go-betweens; if the sale to the Indians could be stopped, I would most certainly stop it.

The cooie at present is not so law-abiding as the native,
but he is far more law-abiding than the Amatonga or the foreign imported natives, who are not responsible to any head or authority; most of the thieving is done by the imported natives.

I do not wish to make any suggestions as to the medical system, except that there might be some cheaper plan.

I do not think that the punishment at present prescribed by the law, when gangs of men leave an estate for the purpose of lodging complaints or otherwise, is sufficient. I give this instance—two or three of the coolies working on Cato Manor Estate beat the white field-oversaw, and they were apprehended and sent into Durban to be tried by the Magistrate; all the field gangs left the estate with their hoes over their shoulders, and marched into town without permission or authority. It is my opinion that there is no remedy but the lash in certain cases, which the present law does not reach.

I think that if an indentured Indian be idle or refuse to work, such conduct amounts to such a breach of his contract that it justifies the Government in re-shipping him to India; if he cannot be compelled to go back, then I would give him his freedom even before he was entitled to it, although I know that there is the objection that this would be a bad example to the other Indians. I call attention to the 53rd clause of Ordinance No. 2 of 1870.

As to the pollution of streams question, I prefer to leave answers thereon to those who are more immediately connected with estates, as we have no distillery on our estate; we have a sugar mill.

The Indian shopkeepers—I do not mean Arabs—are driving the small European shopkeepers out of the market; this cannot be helped, and the matter must be left to be adjusted by supply and demand.

This is an English Colony and you cannot restrain such men as the Arab merchants. I cannot see how such Arabs can be subjected to any special law of supervision, though I should be glad if it could be done.

DURBAN—TENTH DAY.

Examination of Ramadern, an Indian, leaving for India by the Umvoti.

By the Chairman:

I am going back to India. I was born in the district of Baraitch in India, which is one month’s walking journey from Calcutta. When I left India, the nearest place, where the railway was from my place, was eighty miles. I can
count twenty. It is ten years since I came here. I was ten years on Mr. Shires estate (Milkwood Kseau). I came to that estate first, indentured. I have been nine years with the same master. I was two months with Mr. Binus, and two months at my house; after that I was at Mr. Kennedy’s (Zee Cow Luka) eight months. I did not stay longer than nine years with Mr. Shires, as I did not care to go to the Untehoué (Estcourt) where Mr. Shires was sending coolies. During these nine years I was treated well; my master never had occasion to punish me during that time. I have no fault to find with my master. I have not been in hospital. Mr. Shires employed many coolies—about two hundred. Mr. Shires takes good work and gives good wages. His coolies are contented. I am taking home £17 sewn up in a patch at the top of my trousers at the back. I have some loose silver for the expenses of the way. I shall not have to re-stitch my trousers for money before I reach Calcutta. When I step ashore at Calcutta I shall have the £17 ciear. I do not think that if I had stayed at Calcutta I should have had £17 in hand. I have also lived well and spent much and I might have saved more. I have no wife here. I have no children. I have had nothing to do with any woman here; but my brother died in India, his widow and child came here. She has not been living with another husband, but she has lived with me as my wife. She is not going back with me. While I am away she will live on money which I have given to her for her expenses for a whole year; after that time I intend to come back. I have left with her, as money for such expenses, £8. I have bought for her jewellery—three bracelets, armlets, bangles, a necklace, anklets, nose-rings of gold, a pair of earrings; the whole are worth £9 6s. 9d.

During my ten years stay here I have not remitted money home to India through the office of the Protector of Immigrants.

I have been to Pietermaritzburg. I shall return from India in a year. I intend to go home to see my father and brothers and sisters; if they are alive I shall stay with them, if not, I shall shorten my stay and come back here. Here, I have eaten with the different people and broken my caste, my friends in India will not even eat with me, so I must come back. When I go back I will ask my mother to cook, but I will tell her what I have done; she will cook, and I will eat outside; she will not allow me to eat inside where she and my relatives are. No fine could bring me back my caste, being a Brahmin. Just before coming away my last offering to the Ganges was that of the holy thread: I was not worthy to wear it any longer. When the coolies come here, they lose all caste, even the Brahmins intermarry with the Shamas. What is to be done? In our own country if a Brahmin goes even for a call of nature, he must put a thread round his ear.

In my country we burn our dead. What can I say, being single? Burning the dead has never been done here. What is the use of saying anything?

I do not drink at all. Lots of Indians get bad from drink; they get drink too easily. It will be a very good thing if the coolies cannot get drink, because, when they drink, they lose all their self-respect. The Calcutta people, as a body, would like the stoppage of the sale of liquor very much indeed; but the Madras men would not like it. I do not know that Indians sell liquor to natives. I have never heard, nor seen with my eyes, that white men employ Indians to sell liquor to Kaffirs.
If I have money I will pay my passage and come free when I return; but, if I have not money, I will come indentured.

When on board ship, as long as I have my senses, no one will take my money; if anyone cuts off my head, I shall not be responsible. I would not mind entrusting my money to the captain, but I would not intrust it to a cooie. If I could be certain of getting it on the other side, I would be willing to give it to the captain, if I could be sure of getting it back.

When in India I used to do no work except to look after two ploughs and to see that the people did the work properly. When I came to Mr. Shire's place, I used the hoe with him for sixteen months, after that I was made a sirdar. I was about seven years a sirdar. In my indentured life, after the first sixteen months, I got one pound; after I was free I got two pounds a month.

As to the rations, I always found them sufficient; when I was a sirdar I had no rations.

EXAMINATION OF CAPTAIN C. RREVES, OF THE SHIP "UMVOTI."

By the Chairman:

My vessel is now chartered to convey Indians to Madras and Calcutta; she leaves on the 15th of this month. We take two hundred and twelve statute adults. I daresay that altogether, inclusive of children, we shall have on board two hundred and sixty or two hundred and seventy souls. I have been engaged in this business during the last twelve years. I have done nothing else but that; in fact all the Indians, with the exception of one shipment, have gone back by the "Umvoti."

I think that the arrangements on board ship, before embarkation at Madras, are satisfactory. I cannot suggest any improvements. I cannot suggest any better system by which immorality between the sexes can be prevented. I do not think that there is more immorality amongst Indian immigrants than amongst any other nationality. I put the single women, whom I know to be single, in the after-part of the ship amongst the married women; the single men are all in the fore-part of the ship. There is nothing, if they have a mind to, to prevent single men going to the single women or vice versa. But there is a sirdar, all through the night, at watch at each of the four hatchways.

Of late, in the charter party the Indian Government has inserted the clause with reference to this point. We have a separate charter party for each voyage. There has always been a clause in the charter party that I am to do my utmost to prevent my crew from having intercourse with the female immigrants, and, as a rule, I think that we ship-masters do our utmost to prevent such things. In spite, however, of all care, it has happened that I have had complaints made against my crew by the sirdars, that something was going wrong; but I have never had a single complaint from the women themselves, that they were interfered with. I have never had complaints made by indentured Indian women—married or single—that an Indian man has had intercourse with a woman against her will.

I have never had complaints on such a subject from sirdars.
With reference to the crew, my enquiries have proved that, in nearly every case, the complaint was malicious, and made on account of grievances against some member of the crew.

If at night a married woman goes to the harem on deck, she is accompanied by her husband; single women generally go two or three together. If a woman went by herself it would be suspicious, and the similar has instructions to report such a case to me or to the doctor. I call the attention of the Commission to a case which occurred on board my ship some three years ago. An Indian woman was missing, and a judicial enquiry was afterwards held here, at Durban, by the Resident Magistrate, Mr. Finnmere. She disappeared, I think, through a feeling of spite and revenge, because she was restrained from going to the single men. I cannot remember her name or number.

That is the only case of complaint, by the husband against the wife for misconduct, which I can remember.

I have nothing to say with reference to the present system of immigration; it has been so well ventilated. I believe new rules have been agreed to in India, now waiting the Governor-General’s assent, but these rules relate mainly to the recruiting in India. I do not see how any abuses can creep in without detection, as the supervision, both here and in India, is so strict. The doctor has to keep a diary, I have to keep the log-book, and they are examined at both ends of the voyage, and one acts as a check on the other. I cannot approximately say how many return voyages I have made, I should say about twenty. I have never heard a single complaint, except from one man, who said that he had not been paid; the complaint was investigated by the Protector in Natal and subsequently in India, and was found to be groundless.

The Indians are always questioned minutely as to their treatment and their compliance with the contract, and, if there had been any grievance, it would have been written about at once. It is a difficult matter to find out here what money returning immigrants have; they seem to have an idea that the Government of India wants to know for purposes of taxation. In the course of the voyage I am generally able to form a better idea of what they have; this frequently arises from complaints made by one of them that he has been robbed by another, investigations follow, which result generally in numbers of the men offering their money to me to take charge of it for them, which they seem disinclined to do before the voyage, although urged to do so by the Protector before sailing. I have known men, who, on leaving Natal, declared they had no money at all, hand me over more than one hundred pounds when fairly at sea, because they had mistrust of each other. Last voyage there were about twelve thousand pounds declared, and one family had seven hundred and three pounds, another five hundred pounds, and there were various amounts of one hundred pounds, then we came into the tens. We had on that voyage one hundred and twenty-one men, fifty-four women, and the others were boys and girls and infants.

I find that the Indians never take the sovereigns with the dragon on the reverse, but those with the Royal arms, there being a loss of two annas per sovereign on the former. I find these men want to come back in great numbers, but I think the agent discourages this step and prefers to send entirely fresh men. There are a great many who wish to come back as free men, but the Immigration department in
Natal discourages it. I am not allowed to take a free passenger without the permission of the Protector and Agent. No Indian passenger is allowed to embark from India for Natal or any of the Colonies, to which coolie emigration is sanctioned, without passing through the Protector's office and getting the Protector's consent.

It would be a great advantage if the system which obtains at Dominica, Trinidad, and in other West Indian Colonies, were adopted here; I refer to the coolies paying their savings or money into the Treasury or the Protector's department and obtaining an order for the amount on the Agent in India; that system prevents robberies on board ship, and it is a record of the amount of money taken back.

By Brigade Surgeon Lewer:

We carry a fully qualified surgeon as well as an apothecary.

There is no canteen or board; not a drop of spirits can be obtained, except as a medical comfort.

I do not think that an European woman superintendent or an Eurasian would be of any advantage in looking after the women immigrants on board ship; the most motherly of the female immigrants is selected and paid to act as nurse.

There is a law against embarking women advanced in pregnancy, but they do come on board and are confined on the voyage. There is no separate hospital for men and women; they are put up together when sick, the doctor using his own ingenuity in dealing with these cases.

I cannot say how long those families, who have taken so much money with them, have been in Natal.

We have had some instances of women, from the Madras depot, not remaining faithful to their husbands on the voyage, but not many.

I wish to say that the immorality on board ship, considering the number of the immigrants and the closeness in which they herd together, is very small.

I have magisterial power on the high seas, conferred by the Merchant Shipping Act, but I have no additional or special powers accorded to me for the express purpose of preserving discipline among the indentured immigrants. I do not need further powers in that direction, the power I have is sufficient.

Examination of Thomas King, Sergeant, Durban Borough Police Force.

By Mr. Saunders:

I am in charge of the coolie Cemetery, and submit a report of its condition to be incorporated in my evidence, if the Commission so desire.

By Brigade-Surgeon Lewer:

I am a Police Constable and belong to the Durban Borough Police. I have been in charge of the coolie
Cemetery close on three years. The instructions I got for the performance of my duty, when I went there, were to see all the coolies and Kaffirs buried to the depth of six feet, to impound all cattle I found trespassing there, and to shoot pigs. I was also told that, if coolies came and wanted a grave made, I might make it if I could, and charge them a reasonable sum. I got these instructions from Mr. Alexander, the Superintendent of the Durban Police; he further told me that, if they brought spades and chose to make their own graves, I was to stand by and see that they made the graves deep enough, and not to charge them anything. I reside close to the coolie cemetery, within about thirty yards. Men used to come at night to the cemetery about half-past eleven o'clock; these were Arabs. I told these Arabs that it was a very unusual hour for a burial; they said they were Mohammedans, and that the Mohammedan law allowed them to bury at any hour of the night or day; they produced the doctor's certificate, and the interment was permitted. I allow no interment to take place without a doctor's certificate or a permit from the Immigration Office. I cannot say how long the piece of ground has been used as a coolie cemetery; it must be a long time, as I have found bones quite rotten.

The graveyard is kept in very bad condition. From the growth of bush, small trees, and rank weeds, it is very difficult to dig a grave. The ground has never been laid out, and, after a short time, it is difficult to find out where anyone has been buried. I have found the bodies of two children buried not more than two feet in depth, and I had to rebury those bodies myself, as there was a bad smell, and it was this bad smell which attracted my attention to the spot. I could never find out how or when those bodies were buried; it must have been done at night. No system is observed as to the position of the graves, the relatives choose any position and any place they like. I have no authority to stop such practices. I found one body, which was partially decomposed, and which had been buried between three and four feet in depth, and either pigs or dogs, I believe the former, had dug a hole into the grave and some of the grave clothes had been pulled out to the level of the surface; the stench was so bad that I had to tie a saucer over my nose and to use disinfectants. The Arabs, in digging a grave, have disturbed the remains of a corpse and have strewn the bones on the surface of the ground round about. The Indians are more careful about disturbing the dead, and, if they come on the remains of a corpse when digging a grave, they prefer to get a fresh spot.

The only way in which I can account for graves being disturbed in this manner is that there is nothing to indicate where a grave exists.

There is no fence round the cemetery to keep out the cattle and pigs. I think the place is sadly neglected and some system should be adopted so that interments may take place with more satisfaction. There are no marks to point out graves. I think the ground should be marked in blocks, according to the castes of the Indians, and that a separate place should be told off for the Arabs and Kaffirs.

Some of the Indians, if I were not present to supervise their work, would dig their graves only about three feet in depth, and I would find the bodies rooted up by the pigs, as they can get the smell of a corpse at that depth.

I think it advisable that night burials be put a stop to.
By Mr. Richardson:

If the cemetery were properly fenced in by barbed wire or a wall were built all round, night burials could very easily be stopped; I do not think they would take place.

The cemetery is about an acre in extent, and is bounded by the Catholic cemetery on the east end, on the south by the Wesleyan, on which side there is no fence, on the west by broken ground and bush, and on the north by Queen Street.

The pigs which I find in the cemetery belong to the butchers, and come from the slaughter houses, which are about twenty yards from the cemetery; these pigs are fed on offal by the butchers. I have warned all the butchers in town about these pigs. When I shoot one, the kaffirs at the slaughter houses come and claim it and take it away, saying that it broke out. I believe pigs, fed on offal, get a liking for the eating of human flesh. I cannot say if the bodies of the pigs which I shoot are sold.

By Brigade Surgeon Lawer:

I have reported, verbally, the disgraceful state of the cemetery to Mr. Alexander, Superintendent of the Borough Police, he told me to go to the Borough Engineer's office. I went, and was told that they would send men to the cemetery, but they were very busy, and that when the gang of men was done at a certain place they would be sent there, but they have not been sent. I have been five or six times to that office to ask for men to clean up the cemetery, and the last occasion was about two months ago; they sent some men, about eighteen months or two years ago, to cut the bush down, and not since. Captain Lucas, who was the Acting Resident Magistrate at the time (about six months ago), visited the Cemetery, and said that the place was a disgrace. Nothing has been done towards improving it.

If I were allowed a coolie I could keep the place in order, if the bush were cut away, and the grounds laid out and fenced.

I have made graves, on several occasions, for free Indians, and have not been paid for doing so. I think a small fee should be charged for every grave, say three or four shillings.

The following is the report referred to in the foregoing evidence and marked (T):

Durban, February 15th, 1885.

Mr. Alexander,

Sir,—I herewith submit to you a report on the Coolie and Kaffir Cemeteries; they are covered in one mass of bush and rank weeds; they want to be fenced in on three sides and a gate put up with lock and key; the ground wants laying out in two divisions and some walks made so as to tell where people are buried. At present skeletons are repeatedly dug up, because after a short time no one can tell where a corpse has been buried. Cattle and pigs have the run of the place—within the last three months I shot ten; then, the underwood grows too quick—all trace is lost of a grave in six months or less. If the ground was laid cut, the place fenced in and locked, no one allowed to bury people at night or without someone to see them buried properly. As things
stand now the coolies can come at any hour of the night, and I, or at least the law, allows to bury. The Arabs come here and quote Mohammedan law at 11 o'clock p.m., dig up the skeleton of another corpse and sling it all over the place and I cannot stop them—they have done this. Other parties come at night and tell me they want a grave made. I make the grave myself telling them they will have to pay, they say all right, the grave is made and corpse covered up, they then plead poverty, they have no money, they will come tomorrow, but tomorrow never comes. I have no redress. Sometimes a man will come to me and say, “I want a big grave made.” I ask him what size, he gives me measurement 7ft. by 4ft. I make it. I have to hire two coolies and then do the most of the work myself. For this I usually charge 10s., but very seldom get it. Other times a man will come to me, “I want a grave made.” “Well, you will have to pay,” “Yes, alright.” They come with the corpse. This won’t do; say I made it from North to South; he then says it made from East to West, they then pay what they think fit, so the place is badly in want of a proper system. More of them come with a small little bit of an old shovel to make the grave themselves, well, they dig about 3ft., in the ground in about as many hours; if I was not there they would put the body in, then in about a week I find it roofed up with pigs, as I have on one occasion found, I had to set to and make the grave the proper depth and bury the body myself. I have children buried not more than 2ft. in the earth, those I had to bury myself, and I am told there is no law to stop them from burying at night, the sooner there is one the better I think. Another thing, the ground wants laying out for Coolies according to caste, for some bury from East to West and some the opposite way. I hope you will excuse me for making this remark, if I was allowed a little more wages I could employ a coolie to keep the place in good order and dig the graves for all to the proper depth. The Corporation could make a nominal charge for each coolie all round, say 5s. unless he was a pauper. This would be, I think, satisfactory to all parties; as the place is now, it is a disgrace to the town and dangerous to health.

I am, Sir,
Your very obedient servant,
(Sgd.) T. King.
Borough Constable in charge of
Togt Barracks, and lives close to
this Cemetery.

DURBAN.—ELEVENTH DAY.

Examination of Mr. George Rutherford, Collector of Customs.

By the Chairman:

I am the Collector of Customs. I arrived as Collector in November, 1853. I am also a member of the Immigration Trust Board. I was appointed to the Trust Board in 1878. I only occasionally employ Indian immigrants. At the present time I have in my employ, as general servant, an Indian woman. She is middle-aged, and is a free Indian.
As Collector of Customs I do not employ either free or indentured Indians. As Collector of Customs I have observed that a certain proportion of the labour strength at the Point consists of Indians, much smaller than that of the native Kaffirs. I have lived, since 1853, entirely at Durban.

Since November, 1860, the date of the arrival of the first coolie ship, there has been a continuous Indian immigrant population resident at Durban. I have, both in my private and official capacity, been in almost daily close observation of that population. I consider them, as far as my observation extends, and I think they can be described, as a fairly orderly part of the population; they generally are employed in stores and places of business, most of them are so engaged, and, being so engaged, are under control and supervision. I think that it would be advisable to extend to the Indian the same restrictions, as to the prohibition of drink, which now apply to the Kaffirs. I think it advisable that, in the terms of contract with future immigrants, there should be the condition either of reindeutare at the end of five years or of repatriation; either alternative should be compulsory. I have not had an opportunity of observing their domestic life in their own homes. Not knowing much of their domestic relations or manners of life, I do not feel in a position to give an opinion as to their general social condition.

As Collector of Customs, I have frequently had occasion to survey vessels under direction of the Government, carrying Indian immigrants, prior to their departure from Natal, in order to see that the provisions of the law were carried out; from such scrutiny I can state that any defects, when pointed out, have been promptly remedied, and, generally, the vessels which have left here, in that particular employment, have been well suited for the purpose.

If the Protector were not a member of the Trust Board, there would be great delay and hindrance to the business in procuring necessary departmental information, and, on the ground of having such information promptly rendered, I think it would be advisable to retain the Protector as a member of the Trust Board. I do not think that there need be any clashing between the duties of the Protector, qua Protector, and those which he discharges as a member of the Board, inasmuch as the efficiency of his department is involved in the transactions of the Trust Board. There have been instances in which a difference of opinion has existed in regard to matters brought before the Board, or being dealt with departmentally by the Protector himself, but in these cases the Board can always rectify a misapprehension on the point by declining to deal with the matter in question; but these instances have not, in my opinion, assumed the aspect of clashing; in those cases it has been the Board which has objected to the introduction of matters deemed to be more appropriate for treatment by the Protector himself. I think that, taking all circumstances into consideration, and notwithstanding what I have previously observed, the Protector of Immigrants should have a seat on the Board. I do not think that the Board considers the Protector in the sight of a servant; at the same time any acts or orders of the Board, requiring the Protector's action, and within the scope of his power, would necessarily be carried into effect by him. I think that it would be very desirable to enlarge the constitution of the Board by the addition of one or two up-country members. I think this, because the area, wherein Indian immigrants are employed, has been so considerably enlarged.

I think that the control of the Governor in Council is
quite sufficient for any contingency which may possibly arise.

I consider that any bill for the purpose of consolidating the laws relating to the introduction of Indian immigrants, should include such laws as affect the Indian Immigration Trust Board.

In cases of unlawful absence by Indians from employment, I think the deserter himself, if possible, ought to bear a portion of the costs attendant on returning him to his master; I think that it would almost follow as a natural consequence that, by the deduction of wages, such costs should be recoverable.

I do not think that it would be any injustices to make an Indian perform unavoidably necessary work on Sundays and public holidays; it would be necessary to schedule the holidays in any bill to be introduced.

Any Indian immigrants leaving the Colony on any ground whatever should forfeit all right to a return passage to India.

In cases of repeated unlawful absence, and in cases when men refuse to work, I do not think that corporal punishment should be inflicted.

Examination of Mr. F. L. Jonsson.

By the Chairman:

I first came to reside in Natal in the month of May, 1880. I have been in Durban the whole time since then, save when I have gone to Europe. I have been resident in Durban the whole time. I am the owner of large properties in Durban, amongst them the Alexandra and the Royal Hotels, and the Prince's Café. I have had indentured Indians in my employ for the last twenty years; at the present time I have six special men, and about fourteen or fifteen of the indentured coolies. I am satisfied with their work. These special men are men specially chosen in India for a particular occupation here, as house servants, cooks, and waiters. I have found the special men very good indeed; they are of a better caste than other Indians. I could not do without these Indians. I would just as soon have kaffirs if I could get them round the same time, or if there was any certainty of keeping them. As to the value of the Indian labour to the general community, I have often in my own mind thought that it was a very great pity, for the sake of the country itself and people living in it, to import these indentured Indian labourers, that so much money should be expended by a poor community, when you have such a teeming native population all around you as you have in this country.

I consider that, as soon as a coolie has done his first five years indentured service, he should either be re-indentured to his former employer or the Government should take him over and re-indenture him to some other employer; should a man object, if he has saved sufficient money, he should be taxed in some way or other for permission to stay and trade in the country, and should forfeit his return passage money. I think the only way in which you could tax would be in the way of a poll-tax, an annual one; I would extend this poll-tax to the kaffir as well.
I would subject the free Indian to police supervision; as to this police supervision, I do not know any better system than that which prevailed in Mauritius when I was there, in 1856, for two months. At that time every coolie carried a small tin box, containing his free pass, and he was under police supervision; any person could question him as to his pass; I do not think that he had to take his pass to be signed by the police at any stated time, but such a system could be easily worked in the towns in Natal.

There is actual competition between free Indians and European traders; such competition has been the foundation stone of the Arabs coming here. A number of these Indian men, when their time was expired, started trading both in the towns and country. I knew personally four or five of these men, who used to buy Natal products and send them over to Mauritius and India; these products were sent to their friends, who did business with the Arabs in Mauritius, consequently the Arabs got the knowledge of the resources of this country through the Indians buying here. There can be no doubt that there is very great competition between the Arabs and European traders and shopkeepers. I think that this competition is of a very serious nature. I will take, to start with, the Kaffir storekeeper. I think in 1861 there were about five hundred traders in the Zulu country, and I should say that in the years, 1860 to 1870, there must have been two hundred European Kaffir stores in Natal; seventy-five per cent. of these two hundred stores have got into the hands of Arab traders. Durban, of course, has suffered materially. I do not think that we have more than four or five European Kaffir stores in Durban at present. There was a large European Kaffir trade some fifteen years ago.

I think the Arab should pay a certain sum of money, as soon as he puts his foot on shore here, as a tax, and he should pay an annual tax. I cannot now state how this tax should be levied.

I would have Arabs and coolies confined, for trading purposes, as well as for their cantonments for living, to one particular portion of the town, where they could be under proper supervision.

Indians do drink, both indentured and free. I would, if possible, extend the provisions, for the prohibition of the sale of spirits to natives, to Indians, but such prohibition would only tend to deprive Government of revenue, as the consumption would be equally great, and it would load to illicit trading.

The only way to make natives work, thereby avoiding the necessity of importing Indians, is to tax them and to educate them up to certain wants, such as clothing, better habitations; teach them trades, instead of allowing them to live as they do at the present time, that is to say, as their forefathers lived a century ago. I fear the Home Government will not allow us to tax them.

I would bring about the desirable change in native habits by having schools with each chief, the effects of which would be of slow growth, but everything must have a beginning.

Considering the condition of the sugar enterprise, I would stop Indian immigration for twelve months.

I would have less objection to the natives competing with the white man in trades and trading, than to Indians, be-
cause the native belongs to the soil; we come here to trade with him and we import a foreign element to take the trade out of our hands and out of the hands of the natives as well. I am aware that most of the natives have come into the Colony since we have been here; when I arrived there were about seventy thousand, now there are about five hundred thousand.

I do not think that prices are unusually low in Natal, there is a fair profit but no more. Before the Arab arrived, I paid thirty shillings a bag for rice; I think that competition would have reduced rice to a fair price. I think that if Aboo Baker were the sole owner of rice or cargo of rice you would have to pay to him as much as to Snell, to Steel, Atkinson, and to Arluckle; those were the principal holders; I do not think they kept up the prices by a "Riag." I remember one month paying sixteen shillings for rice a bag, and in the course of another month thirty shillings, showing that there could be no arrangement amongst the merchants to keep up the price; it was simply this, one merchant finding that he had the monopoly of the market made the most of it. Aboo Baker's influence on the rice market has been that of any other white merchant equally well acquainted with the rice trade in India.

It would be very much better for the general service of the town, if the employers obtained their servants through the Indian Immigration Office; it would not be necessary to indenture such servant for five years if he were only engaged from month to month through the office; there would be a registration fee charged to the employer, which would more than pay any expenses in connection with that portion of the office; it would be a boon to the public, as, instead of engaging any vagabond who would come to work, they would have a knowledge of the person they employed.

By Mr. Sawders:

I do not know of many cookies going into the Zulu country to trade. In speaking of the Zulu trade in 1869 and 1861, I did so simply to show what was done in that country; at that time Natal was supplying some five hundred traders with goods. This has nothing to do with my remark that the white Kaffir storekeepers have been supplanted by the Arab. The Zulu trade has died of itself.

As far as physical force is required to keep these Indians in order, I would say that they are not more difficult to control than workmen would be, but that they are much more so as to sanitation.

In reference to my desire that Indians should be located in one part of the town, I may say that I kept a store empty for ten months rather than let it to an Indian, at a loss of £50. I subsequently let it to a white man for five pounds a month less than the rent offered to me by an Arab.

By Brigade Surgeon Lewer:

I think that eighteen Kaffirs would do as much work as thirty Indians in storework; those eighteen Kaffirs' wages would cost about the same as thirty indentured cookies: I think there would be no saving of money in wages. If free
coollys were employed, their wages would be in excess of the Kaffir wages, because the free Indian’s wages would be much higher.

There is very little difference in the cost of feeding Kaffirs and coolies; the difference is in the wages.

By Mr. Richardson:

I think, for the benefit of the community at large, it would be well for a master to give an Indian a character before leaving his employ; I speak of the coolie as well as the kaffir. I think that if this were adhered to, it would be much better for everybody.

I think that the penalty, imposed for unlawful absence, is, in some cases, sufficient, and in some cases too severe; where an indentured servant leaves his employer without his permission and without any just reason, at the very time when he is particularly wanted, then the penalty is not heavy enough, but in the case of real sickness I think the penalty is a hardship altogether.

The supplying of vegetables to townspeople by Indians has been much overrated; at one time, when they first settled round Durban and Pietermaritzburg, they were the producers; but, after a time, the white man started in competition with them, the coolies left off growing vegetables in many cases, and became the purchasers of the white man’s vegetables at their own, the coolies’, prices, so that, in reality, the Indians are now, as a rule, the hawkers and not the producers of vegetables.

DURBAN—TWELFTH DAY.

Examination of the Reverend S. H. Storl.

By the Chairman:

I am resident in Durban. I came to Natal in 1866. I have been always resident in Natal since then. My work is altogether amongst the Indians. I have charge of two native stations, but the Indian work is my legitimate work. I have charge of six schools especially established for the Indians, situated in Durban, Umbilo, Springfield, Clare Estate, the Point, and Bridgeford, near Verulam. The total number of pupils attending all these schools last month was one hundred and fifty. All the teachers in those schools are Indians, five Tamil, one Hindostani. Of these Tamil teachers three came as indentured immigrants. Two of the three do their work fairly well, the one at Bridgeford very well indeed. The man at the Umbilo came out for some railway work, as I understand; the fifth I obtained from India last year. He did not come under indenture and I paid his passage. He does his work fairly well, but I do not think he does it as well as the man at Bridgeford; at the present time he is doing very well, but he did not do so well when I first got him. The one who came out as engine-fitter is a Hindostani man; the sixth is a Tamil man, born in the Colony, from seventeen to eighteen years of age.

I have between fifty and sixty men who are members of the Wesleyan Church; when these men marry, they are married according to the ceremony of our church. I have
married some who are not members of our church, upon a declaration by them of their desire to become Christians, or to be married by Christian rites. I send a duplicate of the register of such marriages to the Colonial Secretary, and a copy of the duplicate to the Registrar-General. I do not always send registers to the Protector of Immigrants, but I have always sent the parties to the Protector, with or without notes, to be registered. I think that, if the law should declare the registration before the Protector to constitute the marriage, it should provide penalties for the violation of the marriage tie. I am not prepared to express any opinion as to the Court by which such penalties should be imposed. As to the grounds, upon which the marriage tie should be dissolved amongst those Indians who are not Christians, I prefer not to give an opinion.

As to those who are Christians, I think that the marriage tie should be dissolved, at the instance of either party, for adultery, even unaccompanied by cruelty or desertion. As to cases of continued cruelty amongst the Christian Indians, I think that they should be dealt with under the English law as other people are.

I have read that, in Demerara, Indian immigrants are married before the Protector of Immigrants or his deputy, by some mere statement.

There is a good deal of drinking amongst the Indians, whom I have observed generally; I decidedly think the law should prohibit the sale of intoxicating liquors to the Indian as well as to the Kaffir. In the first place, liquors produce drunkenness and the mischief consequent on drunkenness, and, further, through the Indians, the Kaffirs obtain drink and so nullify the provisions laid down with reference to them. When I visit estates the managers and proprietors complain to me that their great trouble with their labourers is their being able to get drink. Speaking generally of the Indian population, Christian as well as others, on estates, I see the majority mostly on Sundays, and, as far as I have seen, they are orderly; there is not much difference between them and other members of the community. I think that, in the large towns, the education of the children of Indian immigrants is fairly provided for; in the immediate neighbourhood of Durban also, the same remark applies; but in the country places more provisions might be made. I mean that the present plan adopted by the Indian Immigrant School Board should be extended; I think that such extension would meet the requirements of the Colony with reference to the children of Indian immigrants. There is great difficulty in procuring good teachers.

Those Indians who have died, being members of our church, have been buried, all, with one exception, in the Wesleyan cemetery; the one exception was in the case of a child, who was buried in the country. Those who have been buried in our cemetery have had the burial service read over them, either by me or by some duly authorised person. I have not visited the cemetery set apart for Indians in Durban. I have never had any complaints from any Indian as to burials in the Indian cemetery. Scarcely any Indians come to me save my own Christians, but sometimes, on the estates, others come to me and ventilate their grievances, telling me their troubles; sometimes they tell me that their masters do not treat them well; formerly they used to complain a good deal about their food, their mealie-meal, but now I hear nothing of such complaints. The complaints were as to the substitution of mealie-meal for rice.
Every two or three weeks I go to visit estates or locations of free Indians; I think that the Indians on the estates as a rule are fairly contented. Of course you will find, in every country, some men who are discontented; many of the women do look dirty and careless in their dress and hair. I never hear any complaints of their being short of food; I think that the children seem to be fairly cared for, much about the same as I have seen in Ceylon.

There is a good deal of immorality on the estates amongst the Indians themselves, and I think that this arises, a good deal, from the small number of women who come out with the immigrants. I think that the percentage of women who come out should be increased. I often hear complaints from men, that women run away from them to other men on estates. I think that the Indian men and women are fond of their children. From my own experience, I have no reason to think that infants are neglected by their parents. I have not heard of infanticide amongst the Indians in Natal; I think that if such a crime were practised, it would eke out, and I should hear of it.

As to immorality, I think that one great cause of it is the fact that many of the Indians are never married at all; they register, and look upon registration as a very light matter. I think that it would be advisable to add greater solemnity to the ceremony of registration before the Protector; the parties should appear before him and should solemnly declare their intention to live with each other as man and wife.

I have had no complaints from Indians in connection with their caste; many of them have no caste, or have lost it. I think that it is advisable that the Government, by neglecting to make provision for the up-keep of caste, should allow caste prejudices to die out in Natal. Caste can scarcely be kept up on estates, on account of the intermixture there.

As to the shop-keeping question, I do not see that I can say much; of course, I see that these Indians are taking trade away from English storekeepers, but most of them have come in at their own expense; there is no connection between most of them and the cooies proper. I think that the first important thing, when considering the amelioration of the Indian, is the prohibition of the sale of intoxicating drinks, and the second is, that there should be a larger proportion of women. Their schools are increasing, and they are without doubt doing good. I may say that there are some schools kept by Indians, without any Government aid whatever.

The cooies in and around Durban complain very much of the way in which they are taken up by kaffir policemen, often, it is said, without any offence whatever having been committed: they do not bring these complaints against European constables. I have attributed this to officiousness on the part of the kaffir constable, not to race persecution. I myself have had to appear, on two or three occasions, before the Resident Magistrate to give evidence, showing that no offence had been committed. I may also mention that better interpreters are needed in the Courts of Law; my remark applies both to Hindostani and Tamil interpretations, but my personal experience deals chiefly with the latter language (Tamil), which I speak and in which I preach. Thus, in the Durban Magistrate's Court, Subaan, who is either a Persian or Hindostani man, sometimes interprets Tamil. The Hindostani and Tamil belong to entirely different groups of languages, the Hindostani being an Aryan tongue, and the Tamil a Dravidian tongue.
I may say that Indians compare very favourably with Kaffirs as to diligence and industry; it seems as though the whole coast will ultimately be occupied by the Indians: I mean by that, that the Indian is driving out the Kaffir, not the white man. The English have no cause, as far as I can see, to complain of the Indian, save as to shopkeeping.

I hand in a memo as to educational returns up to September, 1884.

By Mr. Saunders:

Referring to my remark as to the Indians driving back the Kaffir, I think it is in this way; holders of land can obtain more rent and money, regularly, from the coolies than from the kaffirs, and, hence, the coolies are taken as tenants in preference to kaffirs. I do not think the kaffirs are driven back so much by the advance of civilization as by the coolies, who are more profitable occupiers of the land.

I think that, if Indians are required to re-indenture or to return to India, it would interfere with immigration, for they seem to come with the idea of settling in the country or of making money when free; from what I have learnt, they stay in other countries after their term is finished.

I know of no evils existing in respect of the burial of Indians in country places.

My attention has not been specially directed to suicidal tendencies or to murders amongst the Indian population.

Indians have not spoken to me as to any difficulty in respect of the testamentary disposal of property.

I think that there are Indian men in the Colony who could interpret well, and who would be willing to interpret, and that, if such men were examined and had certificates given to them, you would have a better guarantee as to ability in interpreting. I have not heard Indians complain of the interpreters being within the influence of bribes.

By Brig¬ade-Surgeon Louer:

I am not acquainted with the examination called the "Higher Standard" in India.

I think that it would be advisable to import Christian women from India; some few would no doubt find Christian husbands here.

I am not connected with the mission in Ceylon or in India more than this—that I am a minister of the Wesleyan Missionary Society. We occasionally correspond with Wesleyan missionaries in India. I have not heard of Christian Indian men, who have gone from Natal, reporting themselves to missionaries in India; but my father had such cases.

Dr. Booth, belonging to the South African Church, is a medical missionary among the Indians in Durban. I could not say that he has had any special advantage over a missionary who is not a doctor, but it is probable that he would have an advantage over us.
I am not aware of the success of the medical mission in Cashmore, in converting the natives to Christianity.

From my visits to the hospital, I think the Indians are well treated there.

I do not think there is any overcrowding or want of ventilation in the Indian schools; but, some time ago, a complaint on this ground was made against the Railway schools at Durban. In my school, the hours are from nine to twelve and one to three; some of the children have home lessons given them; there is no calculation as to the time occupied in home lessons. I do not think that the time occupied in any of these home lessons would exceed an hour. There is no restriction as to unvaccinated children attending the school. There is no regulation affecting children attending school where others of the same family are suffering from infectious disease. The punishments inflicted are whipping, being kept in, and extra lessons: I am not quite sure about extra lessons. There is no curtailment of diet, or solitary confinement, as a punishment.

One source of immorality is, no doubt, the indiscriminate manner in which Indians are allowed to live together, especially at the Durban Depot, upon landing. I do not find overcrowding existing on the estates: each family lives in one hut, but often a number of unmarried or wineless men live together.

By Mr. Richardson:

I have heard of indentured Indians desiring to return to India at the expiration of their five years; there have not been many such cases. I have heard some Indians giving expression to their desire to return, after a visit to India. I know of one or two having come back and served five years over again.

As regards section 18 of Law No. 12 of 1872, I do not think the punishment is enough.

EXAMINATION OF MR. H. ESCOMB, M.L.C.

By the Chairman:

I have been resident in Natal nearly twenty-six years. I have lived in Durban since the beginning of 1880. I am a member of the Legislative Council. I am not, nor have I ever been, an employer of Indian immigrant laborers, save for a short time when I had two Indian domestic servants. I often meet the man and woman now; they are now well-to-do; they would be better off but that the husband has lately taken to drink.

I am the Chairman of the Harbour Board. In my capacity as Chairman, I do not see anything of Indian immigrant labour, except in convict form. The Indians do not like water, and they are not strong enough for the stone work.

I know that the Indian immigrants do, as a class, drink; I know this from my court experience. I remember one case. I defended a man for murder—he started early one
morning from the estate with his friend, an Indian, they started good friends; they were well dressed, they went to a canteen, one, at all events, got mad drunk, he killed his friend, and that case made a strong impression on me many years ago; that was between 1867 and 1869. That crime was not the fault of the people, it was the fault of the drink which Europeans provided; the canteen-keeper, who sold the liquor, was a white man. A case, almost similar in its circumstances, happened a short time afterwards, also a murder case. I should like to say that the Indians are employed to intervene between the licensed dealer and the native consumer; this I know as prosecutor in Durban for contraventions of the Law No. 9 of 1547. I wish to say, on this point, that the heavy borough licenses, and now the heavy government license, on dealers in wines and spirits, prevent honest trade by the dealer. The impost is so excessive that the dealers cannot carry on a legitimate trade except at a loss, and the double duty will increase the evil of the employment of the Indian as a go-between. There would be many more cases than there are on record in the local court, if it were not that the contraventions can only be established by "trapping," and there are many reasons which make this trapping undesirable; and, as a rule, trapping is now discouraged by the Town Council, except in such a special case as I next mention. Within a month from the present time reports were made that the Railway natives were supplied with rum by Railway Indians. The Railway department demanded inquiry, because the natives supplied were the break-down gang, wanted at any hour. In that case the supplying was brought home by concealing witnesses as watchmen in the Railway department. The evidence in that case showed system; and, as far as the Borough is concerned, I say that there is a systematic supplying of rum to natives by Indians.

I take the view, as expressed in a despatch of a Secretary of State, that, if Indians are used as systematic go-betweens, recourse must be had to special legislation; but the evil may be largely met if the licensee has a property in his license which he knows will be lost to him in cases of contraventions, and, on this head, the co-operation of the licensees will help the Government more than anything else. Those dealers now are treated as if they were persons not to be considered; this deteriorates the character of the licensee, whose material interest ought to consist in the maintenance of his respectability.

There is a Licensed Vintners' Association in Durban, but it is valueless, for the reasons which I have expressed. The fault in the present system is in leaving a licensee at the mercy of the licensing authority as regards renewals. The license, once granted, should be on good behaviour and not subject to the caprice of the Licensing Board as regards renewal, particularly in cases where the Licensing Board consists of members who oppose the whole trade in drink. This change, if made, must be made by law; the granting of a renewal is now of the nature of patronage. I think that renewals should be a matter of right, unless the opponent of a renewal show a contravention on the part of the applicant. As to over supply of canteens to the population, I would deal with such a question when new applicants apply for licenses. I think it would work better not to prohibit the sale of intoxicating liquors to Indians, but to make it a contravention if liquor be sold to any Indian in quantity inconsistent with that Indian's reasonable consumption. Whatever laws are made, you must make the licensee respectable and must rely upon his co-operation, which he will only give you if it be to his
interest. I do not think that such a system would cause the
licensee to take a higher price for a bottle of rum supplied
in contravention of the law, at the risk of his license. I
think that the cause of drunk among the Indians is more the
fault of the rulers than of the Indians themselves.

I have reported, as quite wrong, the bail system, which
allows the bailed person to escape by forfeiting his bail; this
I have done as Town Solicitor of Durban. It was never
intended that the Superintendent of Police should be a
magistrate, and the object of the bail is to secure the
appearance of the bailed person before the Court. The
present system benefits the Borough Fund and brings
three classes of the community under the virtual control
of the Police. Those three classes are, the Indians
who are arrested, Natives who are arrested, and arrest-
ed Europeans, who would rather forfeit bail than appear in Court. If it be admitted that this system is not
abused by the police, you will never make the arrested
persons think so. The practice, by which the Superintendent
of Police, on the morning after an arrest, releases a prisoner
because of money paid in the name of bail, is not known to
the Town Council; I should attribute such a practice to
mistaken zeal on the part of the Superintendent. I would
undoubtedly be inclined to do away with the present
so-called bail system. If a bailed person forfeits his bond,
his bond should be estreated and a warrant should issue for
his arrest.

I do find fault with the interpretation provided in the
Courts, in cases wherein Indians are concerned; I speak
chiefly of the Borough of Durban. The Indian Interpreter
must be an officer whose position in itself will keep him from
any intimacy with either party. If an Indian loses a case,
he is very prone to blame the Interpreter, and, perhaps,
without any reason; but, allowing for this, I would never
take an important case into Court without keeping a check
upon the interpretation. The interpretation is very often a
farce, the Interpreter cannot speak the dialect of the witness,
and another interpreter comes between the two.

I should be inclined to have some simple system of ad-
ministering the estates of Indians who die intestate; I would
vest power in such matters in the Protector of Immigrants
rather than in the Supreme Court, without right of appeal;
there may be an occasional miscarriage of justice, but better
this than the endless litigation which the Indian will always
indulge in if he gets a chance. It would be enough if the
Protector put his accounts in his yearly returns; but I wish
to think over the matter.

As to the question of marriages and the dissolution of the
marriage tie, I wish to have time to think.

With reference to time-expired Indians, I do not think
that it ought to be compulsory on any man to go to any part
of the world, save for a crime for which he is transported:
I hear a great deal of this question. I have been asked again
and again to take a different view, but I have not been able
to do it. A man is brought here, in theory by his own con-
sent, in practice very often without his consent; he gives
the best two years of his life, he forms new ties, forgets the
old ones, perhaps establishes a home here, and he cannot,
according to my view of right and wrong, be sent back.
Better by far to stop the further introduction of Indians
altogether than to take what work you can out of them and
then to order them away. The Colony, or part of the
Colony, seems to want Indians, but also wishes to avoid the
consequences of Indian immigration. The Indian people do no harm, as far as I know; in certain respects they do a great deal of good. I have never heard a reason to justify the extradition of a man who has behaved well for five years. I do not think that the Indian, at the expiration of his five years' service, should be placed under police supervision, unless he is a criminal. I know not why Arabs should be placed under police supervision more than Europeans; in cases of some Arabs, the thing is simply ridiculous: they are men of large means, large connections, who are always used in trade, if they can be dealt with more profitably than others.

If there be competition between the white or Indian or Arab shopkeeper or trader, the public get the benefit of the competition. There is a lot of talk about Indian insolvencies. These have their origin in the credit given from a higher stratum of mercantile life, and the insolvencies of the Indians are nothing more or less than a product of over-trade.

As to the Indian Immigration Trust Board, I think that such a Board should be as largely representative as possible. I think that, if Indians are employed up-country, certainly there should be a representative of up-country employers on the Board. I think the Legislative Council should have control over the Board rather than the Governor in Council. I think that the Protector of Immigrants should not be on the Board, because he is an officer. He should not be on that Board any more than the Secretary of the Council of Education should take part in the proceedings of the Council of Education, or the Port Captain or Resident Engineer in the proceedings of the Harbour Board, and for this reason—the Board cannot discuss and consider the act of one of its own members, in the presence of that member.

In cases where Indians are concerned I think that the Protector should not have the right to sit with the Resident Magistrate, because a Magistrate, if a proper person, is equal to all the work he has got to do in his county, and the Protector, if a proper person, is equal to all the work of his own department. I do not base my opinion upon any interest which the Protector might have in the matter. I understand that the Protector has a casting vote over the magistrate. I cannot understand a magistrate sitting under those terms.

Some time ago I introduced, in the Legislative Council, a Bill as to nuisances in any part of the Colony. I objected to the Government Bill as regards pollution of streams, because it was local and partial, and I drew a Bill applicable to all nuisances throughout the Colony. I remember that there were great complaints against the Government Bill, and whatever Bills you may frame of this class they will prove useless, unless you carry the people with you as regards the fairness of the measure. It does not seem fair to make a coast stream pure and to leave an up-country stream foul. In the 11th clause of my draft Bill for preventing nuisances, I meant that the order of Court should be an order of a superior Court, meaning by that, the Supreme and Circuit Courts. As to clause 10 of my Bill, I do not think that the wording is too wide; the 10th clause in my bill was to take the place of the 10th clause of the Attorney General's Bill; if the 10th clause in my Bill be too wide, clause 10 in the Government Bill is certainly too narrow. As to the 16th clause of the Government Bill, I think it a very bad principle to divide the Colony into coast and up-country districts. As to the 15th clause of the Government Bill, I do not think it advisable that the law should
provide for the recovery of the expenses incurred in carrying out the provisions of the law; I think that the costs of such prosecutions should fall upon the general revenue and that there should be no inducement to prosecute for costs. Better to increase the penalty than to put on a lesser fine with costs: let the penalty be higher, there is no necessity for costs.

I think that the term, artificial water courses, should include artificial conduits.

In drawing the Bill for the Umbilo water works, I took power to the Town Council to maintain the purity of the supply of water by preventing the committing of nuisances in the water shed.

I think that the employer of Indians ought to make his sanitary arrangements in the same way as in any other camp in the world, by latrines.

I think that before the agitation set in, legislation was needed, if only to call the attention of employers to their moral obligation; but I believe that the agitation, which continued for some time, in fact, led to an improved state of things on estates. No man has a right to pollute water. An employer ought not to be compelled to remove Indian barracks because Indians pollute the stream close to those barracks; but I do think that the employer, in the same way as a head of a family, is under an obligation to erect latrines.

By Mr. Saunders:

The Bill, No. 19 of 1883, was not drawn of my own motion, but because I thought the Pollution of Streams Bill was unwise, and it was better to deal with all nuisances at once.

I supported the appointment of the Commission; I did understand, rightly or wrongly, that the mover, Mr. Arbuckle, wanted an enquiry from one standpoint only; I did not agree with that partial view, I wished the enquiry to be general, in the interests of all concerned.

By Brigade Surgeon Louer:

I cannot see harm to Europeans or to Natives if the present number of Indians take up their residence in the Colony and engage in trade or agriculture; harm might come, if the number were increased. If the Indian immigration be stopped, we shall be as we were before Indian immigration began; Kafirs will come and go at pleasure, and sugar estates may be abandoned to the mortgagees.

I cannot say what hinders the greater employment of indentured Indians up-country.

By Mr. Richardson:

I should think that the Protector ought not to have judicial functions; it would be better for him to be a Protector simply.
In cases of unclaimed moneys in intestate estates, I do not think that those moneys should go to the Trust Board.

I would not arrest any man for debt; I would not punish an Indian for debt, but rather the man who gave him credit.

I have knowledge of the coast requirements of the Colony. I have no knowledge of the up-country requirements, as regards labour.

MOUNT EDGEcombe ESTATE—THIRTEENTH DAY.

Examination of Mr. Alfred Dumat.

By the Chairman:

I am the Managing Director of the Natal Central Sugar Company (Limited). I was appointed at the time of the creation of the Company. In February, 1878, I arrived here. I erected the mill and buildings on this flat, and I have since been in charge of the work. All the arrangements of the estate are my work. Before I came to Natal I had been seventeen years in Mauritius, engaged as an engineer, managing a large engineering shop in connection with a large sugar manufactory, and manager of a sugar estate.

I still say, as I said to the former Commission, that by mixing the refuse of sugar houses with the water of small streams, the water of those streams is rendered perfectly undrinkable for human beings or cattle; dunder pollutes the water still more. But, apart from this refuse, I say that the water of the small streams will become bad in any spell of dry weather. The water will collect, as the stream dries up, in holes, and, remaining stagnant there, will be spoilt. The so-called streams about here would be without water, and so would some thousands of acres around me, but for the overflow water of my reservoir. The fascine apparatus is still used, in the same way as it was when the last Commission was here, but since that time I have made a large masonry tank and filter, which I am sorry to say is not a success, and, therefore, I am compelled to carry a great quantity of the refuse to the manure pit near the distillery.

I have given my most serious attention to the question of pollution, irrespectively of the question of expense, and the Company is perfectly willing to put in execution any suggestion having for its object the preventing or abatement of any cause of complaint, though I consider that it would be impossible to prevent a reservoir of dunder, or a heap of manure composed of such a large quantity of bagasse, from emitting some smell; I consider it to be unavoidable. I stopped working the distillery on the 31st December, 1884, so now there is no dunder to be provided for; when there was
dunder, it was pumped into a reservoir; this pumping arrange-
ment, and the large tank, which is now on the estate for the
deposit of the refuse, have been introduced since the former
Commission. I wish it to be well understood that these
arrangements are not perfect, and that I do not see how to
tirely prevent refuse from a distillery finding its way, in
some way or another, into the so-called streams of this
country. I have heard that we ought to pump it up. If a
pump could be contrived for that, it could be done; but
such a process will be merely a prohibitive one as to the
manufacture of rum. I defy any one to show me a pump
which will stand work more than a fortnight. My experience
tends to show that the emanations from the refuse pit are
not injurious to health; my hospital returns will show this.
Under the present system there is no connection between
the refuse pit and any stream, except as I have said before,
and in flood time. I tried the precipitating process and
failed.

The coolies on this estate do not use the water of the
stream after easing themselves. Since the former Com-
misson I have made several arrangements to provide drink-
ing water in greater abundance for the coolies. The coolies
commonly take water in their lotas, and go with them into
the cane-fields and ease themselves. The water, so carried,
is used for washing their persons. I do not think that any
stream on this estate is polluted by coolies easing themselves
into it. I do not see how they can have access to it. I
think that it would be very difficult to make coolies use
latrines, and how are they to be cleaned? It would be still
worse to make big holes in the ground and allow them to go
into them, and the infiltration would be awful. I have
prohibited the making of such holes all round my residence.

The number of indentured Indians, at present working
on this estate, is men 467, 9 boys, 151 women; girls are in-
cluded in the women; free coolies are 143 men, 26 boys, 27
women; grand total on the roll is 823. We have 40 kaffir
laborers, inclusive of watchmen. To-day my books show
that there are 4 deserters, 40 absentees, 29 sick or so-called
sick men, 5 in gaol, and 11 in Government Hospital: that is
378 indentured coolies are at work out of 467 on the list.
Of the five in gaol four are for theft, one for perjury.
Usually the percentage of absentees is large; by usually, I
mean, since the last two months, because I cannot have the
men punished or compelled to work by the Magistrate.
This percentage has increased. With reference to this I
hand in certain documents. Since the magistrate wrote the
letter of February 4th, 1885, I have had difficulty in con-
trolling the men. I think the law, as to punishment for men
refusing to work, should be made clearer. I think the
medical service should be organized in a manner different to
what it is. The medical officer of the circle, who is an aged
man, is supposed to attend to the Avoca Hospital, and,
besides, to go to the estates and to see about the sick men.
And that man does it on a salary of £250 or £300. That
service, if you consider the distance he has to travel and the
fact that he may be called at any moment in cases of emer-
gency, it is easy to see, cannot be done by him on such a salary,
which he accepted chiefly because he thought that he could
make up the deficiency by private practice. If a man re-
ports himself to be sick, if the Medical Officer certify that
the man is fit for work, I consider that such a man, if he do
not work when ordered, is refusing to work, and as such
should be punished by the Magistrate; but here comes a
difficulty, if a doctor comes to an estate only once a fort-
night, one could not wait for him in such a case. The
doctor ought to be on the estate once or twice a week: this
system could be very easily worked. If the salary of the
doctors were increased, the present number of doctors could do the work, as they might have the means of moving about. If there be more doctors, they cannot make a proper living and there will be no inducement for good men.

There is not much desertion to places beyond the Colony. As to the punishment for repeated cases of unlawful absence, I think that imprisonment with hard labour, or spare diet, with corporal punishment, should be inflicted. I think that the 18th Clause of the Medical Rules (cookies) of 1877, renders it unnecessary to have a hospital on the estate; but if there was sufficient medical attendance, I say that the proper thing for a large estate like this would be to have a hospital and a dispensary on the estate. At the present time there is a dispensary on the estate and a building set apart as a hospital, that which I now point out.

Some of the women on the estates are reputed to be prostitutes; they are single women. It is difficult to know, from the men, from whom they catch venereal disease. A woman may be reputed to be a prostitute one day, and five days afterwards may be regularly living with a man.

I would not interfere as to inspection of such women. I have had cases where men refuse to go to hospital. I think that such men should be compelled to go by law. It is an injustice to the men themselves, if the law does not compel them. The costs of such compulsory removal should be borne by the planter, who should send the sick man to the hospital by his own estate sirdar. I hand in a return of cookies from whom no work can be expected on this estate, in consequence of their constitutional unfitness. With reference to such return I wish to call attention to the following fact—On the 9th of January, 1885, a gang of cookies was allotted to this estate; I thought proper, on their arrival here, to call for the doctor of the circle and to ask him to examine these men and give me a certificate regarding such among them as he considered to be suffering from any disease; my object was merely to have his opinion in case of some difficulty arising afterwards with reference to these men. The doctor did this, but, on a subsequent occasion when I asked him in a similar matter, he refused, saying that “he had received a whiggling” for giving the first certificate; he said that he had been told he had acted without showing esprit de corps. I will send an extract, from my hospital book, as to the medical examination of a batch of sixty new men and women on 26th January, 1885. They were examined before they went to work. They were allotted on 23rd January, 1885. I have had cases of men, who, when apportioned to this estate, on arrival would not work, because they were not accustomed to it; one man because he had been a fakir in India, another because he had been a butler, and another because he was a man of good family. This cannot be avoided, but the agents in Calcutta and Madras should be more careful in selecting cookies. I do not see how we can send them back from Natal.

I consider the Immigration Trust Fund to be a subscription fund, subscribed by the general revenue, to the extent of £10,000, and by the employers, in proportion to the men employed by them.

If men refuse to work on this estate on account of caste or profession in India, if there be proof, from the confession of the man himself or from his appearance, that he was of such caste or profession before he left, such man should be sent back to India, and the agent should bear the cost for his want of care in selection.
I one day found in the district Magistrate's Court here, that the interpretation was totally wrong; I objected to it, but it was received; the interpretation was in Hindostani. The interpretation at that time was not as good as it should be.

The Protector of Immigrants should not be on the Trust Board, and should be an officer acting only in the name of the Indian population. I think that in a country which respects itself, such a country as that we have here, the Protector of Immigrants sitting with the Magistrates should not be allowed. I refer to the section of the law giving to the Protector the casting vote. If up-country people apply for, and employ coolies, they should be represented on the Trust Board in proportion to the number of coolies allotted to them.

I would leave the control over the Trust Board with the Governor in Council. The Protector should be only the protector of the coolies, a man perfectly independent: he should listen to the complaints of the immigrants, and, if he finds anything in them, should enter prosecutions in the ordinary courts.

DURBAN—FOURTEENTH DAY.

Examination of Mr. William Palmer.

By the Chairman:

I am Secretary to the Waterloo Estate Company. I am visitor to the Effingham Estate, under appointment from the Home directors. Until lately I was proprietor of one-fifth of the Central Mill, Umbilozi. I first came to Natal in December, 1849. About the year 1863, I became joint proprietor of the Waterloo Estate, with Mr. George Johnston. My connection, therefore, with the sugar industry dates from 1863 to the present time.

I am a blue ribbon man and, therefore, my opinion may be prejudiced. Apart from that, I should say that I think it very undesirable to allow the free use of intoxicating liquors to Indians. I should like to say, further, that the facilities of this country encourage the liking of coolies for intoxicating liquors. My impression is that they do not come to this Colony with such a habit. I would place the coolies in exactly the same position as our natives, with reference to the sale of intoxicating liquors. Actual prohibition is, in my opinion, the only remedy. In connection with this, I should like to say that the facilities for the coolies obtaining drink enable them to supply the natives, to their great detriment; such facilities did not exist prior to the introduction of coolies. I think that the absence of a law, prohibiting the sale of intoxicating liquor to Indians, works to the prejudice of the kafir. I base my opinion on my own personal knowledge, that the Indian does supply them. I know this, because I live in the country and have had opportunities of seeing it.
I think that the Indians, introduced by us, have done very little mischief in trade. To some extent they compete with the white traders, but their facilities have become so great since the arrival of the Arabs, who support the Indian trade. The Arabs supply the coolies with merchandise, at lower rates than can be obtained from the ordinary merchant. To a large extent they are enabled to do so by reason that they, the Arabs, obtain easy credit from the white merchants, and by reason of the facility of surrendering their estates, relieving themselves from liabilities in questionable ways, and hence they often sell their goods at less than cost price.

I think that, to a certain extent, the white merchant has the remedy in his own hands. The laws of the land permit these facilities of surrendering estates, as much to the Indian as to the white trader.

The coolies were introduced for specific purposes, namely, as agricultural labourers, and the conclusion I draw from that is that, when they have completed their contract, they should return to their own country. The result of this would be, that the Indian would not have the opportunity of trading in the Colony. If they would continue as agriculturists, I would let them remain in the Colony. I should include, in agricultural pursuits, the production or the sale of garden produce. There is a great evil in this: the coolies, as a rule, are a race of thieves; they plunder the gardens of the white man and bring the produce to the sale as their own, and they are very difficult to discover. I would only relieve them from hawking licenses when they reside in the boroughs, as they otherwise bear their share of taxation. I would place the Arab trader in the same position as the European; he should be compelled to keep his books in the English language. At the end of the five years' service, the Indian should be compelled either to re-indenture with his own, or some other master, or to return to his own country. As to the free Indians now resident in the Colony, I look upon them as British subjects who have been allowed to remain in the country and who have thereby acquired rights which it would be difficult to disturb. I think that the free Indians should be bound to have their children educated, and I would provide for that by legislation. These free Indians, as residents of the Colony, ought to conform to the laws of the Colony in every respect, including questions such as marriage. I am entirely opposed to special legislation as to marriage of Indians, save to bring them under our laws. My reason for saying this is, that they can elect to return to India, and the country pays their expenses back; if they take the option of remaining, they should conform in every respect to our laws. My opinion is, that we have ample power to legislate in this direction, in respect of those free Indians who are already in the Colony. If the operation of the laws of the land should be objected to, the Indian should have the right to be returned to his own country at the cost of the Colony.

I would leave the Protector of Immigrants on the Board, but I would not give him a vote, because his interest as Protector might conflict with those as member of the Board. His presence on the Board should be ex officio and merely as a channel of information. This information could be obtained from the Protector in his office, but, in my opinion, it is preferable to leave him a member of the Board. I certainly would not give the Protector of Immigrants any judicial power whatever. I think that the ordinary law of the land, as administered in the courts, should deal with Indians. The law, which gives to the Protector, when sitting with the Resident Magistrate, a casting vote, is a
mistake, and should be amended. There have been instances shewing how undesirable such a legal provision is.

I have had great experience in financial matters, and I think that the trust Board is, in this respect of control, very unsatisfactory. I approve of the yearly audit by the Auditor General of the Colony, and of the control of the Governor in Executive Council as it now exists. If the proportion of labourers employed in the upper districts demands it, it appears to me to be right that there should be an up-country representative on the Board.

I am not satisfied with the Indian interpretation in the courts. The interpreters should be men of a higher standard, morally, in order that they may be free from the temptation of bribery, and they should frequently be removed from one court to another and not allowed to remain in one neighbourhood for any length of time.

As to disputes amongst Indians themselves, I see some difficulty in the way, but I think myself that the Protector should have power to settle those matters, and that the coolies should have the power to elect whether they would have the matter settled by the Protector or by the Resident Magistrates. I am now speaking of matters which do not involve imprisonment, but questions of fine and of the settling of disputes amongst themselves.

By Mr. Saunders:

I was not aware—rather, had forgotten, that provision was originally made to retain the Indians in the Colony by the offer of land. I simply say that this was a failure. I have no knowledge of any provision made in any Colony for the compulsory return of Indians, but I qualify this by saying that I know of no other Colony where there are natives. If the Indian Government refuse to sanction a proposal of compulsory return of the time-expired Indian, I would stop coolie importation altogether, as the Colony would be crowded with Indians, to the detriment of the natives. I think that matters would adjust themselves. I do not think that the stoppage of Indian immigration would stop the sugar enterprise, keeping in view the number of coolies already in the country and the native labour resources. The introduction of Indian labour, as a matter of fact, has established a maximum rate of wages amongst the natives. The rate of wages in Port Elizabeth, where there are a large number of natives employed, not as agriculturists but as labourers and for boating, is from three to seven shillings a day. In Natal the corresponding day laborer gets from one shilling to one and sixpence a day. The check in Natal would be the larger supply of natives. I have always been of opinion that we have sufficient labor in the Colony, if proper regulations were made for it. I am not prepared to say what these regulations should be, because it requires very grave and thoughtful consideration. It is quite possible that this question has been discussed and difficulties have been found which are insurmountable, but I do not, for a moment, admit by that, that remedies are not to be discovered.

I am aware that several measures have been adopted, with the object of introducing labor from beyond our borders by sea or by land, but they have been only temporarily successful. My opinion is, that you will never settle this, and kindred questions, until the residents, natives and others, of
this Colony are placed under one law. I have not estimated what would be the additional cost of introduction to be paid by employers, in the event of a compulsory system of return after ten years; my idea on this subject is that the coolie should be under a ten years' servitude, during the first five years to the person who applies for his labor, and during the other five years to the master whom he selects; and the cost of introduction and other costs should be borne in the proportion of one-tenth for each year, payable by the employer. I am aware that, to some extent, this principle in the earlier years of immigration was adopted under the law, and I should like to say that I think it a great pity that any alteration was made in any respect in the law. I am not aware of the influences which led to the alteration. I object to the Indian remaining as a competitor in trade, as already stated; but I do not object to his remaining to engage in agricultural pursuits. I do not consider that this is creating class monopoly in trade. I consider a license to trade should require a qualification. When I spoke of the Government paying the return passage of the Indians, I referred to the Trust Fund; but, over and above the Government vote, something will have to be made up by the party employing the Indians.

I have seen Indian wills drawn up in the same way as those of Europeans. There have been no difficulties in the way of administration. My opinion is, that the Protector cares for the Indian labourers' interests in this respect during their indenture. The case to which I refer are those of men of property, but I have not thought of the questions involved in small estates. I see no difficulty whatever in provision being made for cases of this kind, in the same way as provided for Europeans: that is to say, the Master of the Supreme Court appoints the executor dative. I have had considerable experience in cases of this kind, and no difficulty has arisen. The Protector should be the intermediate party bringing these matters before the Master of the Supreme Court.

I think that facilities may be offered by the Magistrates for the care of valuable documents belonging to the Indians. For a small fee these could be registered, and an officials receipt given for the papers.

I think that the present law, so far it affects masters and servants, works very unfairly to the master's interests; he is often put to great inconvenience by the laborers making frivolous complaints, occasioning great loss of time, and the law requires, in my opinion, considerable amendment in this respect.

I have no remarks to make or alterations to suggest, in regard to the forms for application for coolies, or the conditions in respect of instalments.

I consider that, when coolies abscond, die, or otherwise absent themselves continuously from the employer, the instalments should not be recoverable from the employer but should be a charge against the general Trust Fund; my reason for this is, that such cases would be equally divided throughout the whole Colony. I wish, further, to remark with regard to the preference which the law gives for instalments over a mortgagee. The law now is, that, on six months' instalments being in arrear, a judgment of the court is necessary to secure a preference. The law should be amended to provide for cases, wherein the mortgagees give their written consent to this clause being extended for any length of time which may be mutually agreed upon
between the mortgagee and mortgagor. I know of cases, at the present moment, where a provision of this kind would conserve the interests of the mortgagee, the Trust Board, and the owner of the estate.

By Brigade Surgeon Lecer:

I do not think that the introduction of coolies has interfered with European immigration. If free Indians are allowed, in unlimited numbers, to reside in Natal, I anticipate that it will work great disadvantage to the Colony generally. The moral influence of the coolies over the Kafirs already has done considerable mischief, and this will be increased.

Another reason is this, the extent of land, available for cultivation and for other purposes, is so largely locked up in native locations that disagreeable questions may in future arise. The mode of agriculture adopted by coolies is detrimental, inasmuch as they never manure their soil; they, therefore, do not confine their operations to one spot, and require to move about.

As a matter of fact, many coolies are introduced to this country, who are totally unfit for the labour required of them. I cannot say where the fault lies; but I consider that the employer should not be the sufferer, but that he should have the privilege of returning the men to the Depot to be sent back to the country from which they came.

So far as the coast is concerned, it appears to me that the medical arrangements are sufficient. I think that, on the coast, the doctors visit sufficiently often. The medical fees, paid by the employer, should be reduced, seeing the large balance in hand shown by the published accounts: these fees are very heavy. I know that the employers of Indian labourers are very considerate in regard to sick people, and that they often supply medical comforts far beyond the requirements of the law, and I have also known that the employer, notwithstanding this, has been censured by the Protector for not strictly complying with the letter of the law itself.

I do not consider that the Protector is a competent man to supervise the medical department: I now refer to the requirements of Clause No. 4 of Government Notice 448, 1880, and to other clauses. I should like to say that I believe in all cases, wherein I have had experience, that there has been no occasion for complaints against the medical man. I do not think it is at all necessary to appoint a Medical Inspector in order to supervise hospitals and the general welfare of the coolies employed on estates, for the reasons, firstly, that it would increase the expenses which would eventually have to be borne by the employer, and, secondly, that I am not aware of a single instance where inattention of the medical men demands such supervision, nor am I aware of any complaint having been made by the labourers in regard to medical attendance.

The medical officer, I consider, should be in Government employ; that ensures the rights of the coolie equally with those of the employer. Otherwise, if the medical officer be paid by the employer, there is reason to fear that the labourer would not be so well attended to. As far as I know, on the coast there is no antagonism between doctors and the managers,
By Mr. Richardson:

In cases of applications for coolies, the security bond is given with two sureties for the fullment of the contract by the employer. I know of no case where the sureties have been called upon. I have never known the Trust Board to refuse the sureties tendered.

In case of no heirs being found in intestate estates of Indians, the funds should vest in the hands of the Master of the Supreme Court, as is usual in other cases.

Before a coolie could obtain a license to trade, he should show that he has had some training and education for such.

The coolies, owning and occupying property in town, have municipal rights of voting, but otherwise they are practically disfranchised by law. I do not consider that land alone should give a man a right to vote. My opinion is that there should be an educational test before a man be allowed to vote.

With regard to absconding coolies, I consider that such coolies should make good the loss to the revenue incurred in their cases.

In Port Elizabeth the Kaffirs have to bear very much larger expenses for maintenance, than the natives of this Colony have to pay; this is a set-off against their high wages. The average rate of wages, paid to free coolies, is from twenty to thirty shillings per month. At the present time, they can be obtained for ten shillings and less. I have heard of cases where Zula Kaffirs have offered to work for their food; this is very exceptional, and I have never known of such a thing occurring before. The cost of food for coolies is generally in excess of that for Kaffirs.

DURBAN—FIFTEENTH DAY.

Examination of Mr. R. Jameson, J. P.

By the Chairman:

I arrived in Natal in 1869. I have been resident in the Colony continuously since then. I have resided in Durban and the neighbourhood all the time. I have, of course, observed the Indian population, more or less, during the period of my residence in the Colony. The Indian population, as far as their value as agricultural labourers is concerned, has been, in my opinion, the salvation of the coast lands. The sugar industry, without them, would have been impossible. My experience as a Justice of the Peace for the County of Durban, induces me to believe that they, especially the free Indians, not only are, as a rule, entirely given up to drink themselves, but that they are rapidly demoralizing the natives in the same direction. I notice that, as hawkers and small storekeepers in my district, they seem to depend upon the sale of liquors for a living, more than on their ostensible business, with the result that the natives around Bellair are now lazy, drunken and pauperized. This
Phase of trade had assumed such proportions that more than one coolie had taken up his permanent residence in native kraals, and thence dispersed drink to all-comers. By constant vigilance and a good native police force, I have succeeded in driving away these undesirable neighbours. I mean the Indians, from the kraals, but only to induce them, I fear, to carry on the same practices elsewhere. It has not been infrequent that the public roads, in the neighbourhood of Bellair, became positively dangerous to pedestrians, even in daylight, from the number of drunken and half-mad kaffirs found on them; all that I trace directly to coolie hawkers. This, in a great measure, has ceased since the coolies, above referred to, have been driven from the neighbourhood. I regret to have to say also that syphilis, which at one time was unknown among the natives, is now, as far as this vicinity (Bellair) is concerned, the rule among both men and women instead of the exception. I am constantly being applied to for medicine for this disease, and, on a close inquiry, I find that the use of the girls in the kraals is exchanged for liquor provided by coolie visitors; so much is this the case, that I doubt if any kraal in this neighbourhood is free from syphilis. I am of opinion that the only remedy for this state of affairs is the prohibition of the sale of intoxicating liquors to coolies. I think that some distinction ought to be made here between the Banyan or Arab and the coolie: the former does not traffic in liquor, the latter does invariably, as far as my experience goes.

I think that the free Indians should certainly be placed under police supervision. I notice that in the small villages of free Indians there is absolutely no control, each man does what is best in his own sight, resulting in endless quarrels, sometimes assuming serious proportions. I arrive at this by constant complaints from one or other of them, brought before me as Justice of the Peace. I think that it is highly desirable that, where such settlements exist, some head man, after the style of the Kaffir Induna, should be vested with authority and made responsible for the maintenance of order. I think that it would be an advantage to compel free coolies to be provided with police passes, if travelling away from their immediate districts, but I would exclude the Banyan or Arab from this. I would most certainly insist upon the Indian hawker being provided with a license and badge. I am speaking of the country districts, where every hawker should have his license.

As far as my observation goes, the principal competition in trade is from the Arab, although many free Indians engage in small businesses, which, in their case, are too often used merely as a cloak to sell liquors. I look upon the Arab as a legitimate trader in every sense of the word. The other is a sham, as I have indicated above with reference to the sale of liquor. I think that it would be an advantage to the Colony if the indentured Indians were returned to India at the termination of their indentured service, but I would give them the option of re-indenturing. As soon as the Indian become unwilling to remain in indentured service, he should be compelled to return. I would leave those Indians already in the Colony in undisturbed possession, as a matter of good faith. I cannot speak practically of the results of the free Indian as a settler in any other part of the Colony, but, as far as my own experience is concerned, he is simply a pest, living almost entirely upon plunder of our gardens and fowl-houses, so much so that many gardens have been left entirely uncultivated because of their depredations. That refers to my own experience in my own vicinity.
I would like to call attention to the apparent looseness of the marriage laws, if there be any, among free Indians; this leads to endless and serious quarrelling. I have this brought under my notice continually, by Indian men and women preferring charges against each other which are traceable to this looseness. I think that the law should provide some recognition of legitimate women at least, if no more, on the same basis as in Kaffir marriages, namely a fee and an official witness. I am not prepared to advise further than this.

I think that it is highly desirable, as these free Indians have become colonists, that the means of primary education should be brought within their reach, in order to save them from reverting to barbarism. I am a member of the Indian Immigrant School Board, and believe that it may be made the means of effecting this desirable result.

By Mr. Saunders:

I have conversed more than once with respectable free Indians on the subject of drinking and drink traffic, and they say that they think it would be a boon to their countrymen if drink were prohibited.

I am of opinion that hawkers and traders in liquor, to whom I have referred, are working for themselves only, and that they are not connected with Europeans; I am able to speak positively on this subject as to my neighbourhood. I would suggest that the control of free Indians in villages should be placed upon the same footing as in India, and that the necessary machinery should be created by law. I propose that the police pass, to which I referred, should be made to check Indians wandering all over the country at any hour, day or night; at present this is a serious source of mischief, the Indian having every opportunity of theft. There need not be any difficulty in providing such passes, if any Justice of the Peace, or landed proprietor, were authorized to furnish such passes. I know nothing of the police system in vogue in Mauritius; you will get all the information you want from Inspector McGregor of Victoria County Police, at the Urgeni Bridge.

By Brigade Surgeon Lower:

I think it very desirable to suggest to the Indian School Board to try the experiment with two native Christian female teachers from the Indian Zenana Mission, to be located in Natal at centres of Indian population.

As to clause 34 of Government Notice 448 of 1880, as this is a question involving professional knowledge, I reply with diffidence. I cannot say anything of the qualifications of the present Protector of Immigrants, but, generally speaking, I should think such a stipulation absurd.

I do not know if there are professional money-lenders amongst the Indians, but I do know that money lending is carried on. Not being acquainted with the Indian dialects, I am unable to say anything about the rates of interest, and can only state the fact; I know it because my coolie neighbours ask me occasionally to lend them small sums of money to redeem jewellery for some coming festivity.
By Mr. Richardson:

I think that an Indian, who assumes to be a trader, should be in a position to keep a simple set of books in either English or French; I make this distinction in order to enable the Mauritian Indian to utilize, if he so prefer, his knowledge of French, and I recommend this in the interests of commercial morality. The want of any system of booking, or bookkeeping in Arabic or in other Indian figures, are too often used to facilitate surrendering of estates.

If a coolie has once left the colony in search of employment, he should not be entitled to a return passage to India.

Examination of Telucksing, a free-Indian storekeeper trading in Durban.

By Brigade-Surgeon Lever:

I have been in Natal between twenty-four and twenty-five years. I came to the Colony indentured. I first worked for Mr. Walford, and two months after I was transferred to Mr. Palmer with all the other coolies. I remained ten years working, and then I became a storekeeper, working on my own account in West Street, Durban. I sell rice, dholl, ghee, and different kinds of clothing, in fact everything that is required for the Indian trade. I am trading on my own account and not as an agent. I generally buy my goods here, but I sometimes get goods from India. I generally deal with the white merchants here for the articles which I resell in my shop. During the last two years I have been dealing with white merchants only; I think I get my goods cheaper from them: they include rice, which I buy from Messiahs Arbuckle, Dunn, and Reunie. I do not consider that the white merchant is able to compete with the Indian, because the expenses of the white merchant are far in excess of those of the Indians. I manage my business with the assistance of a relative and one kaftir. White planters purchase coolie rations from me, especially fish. All these Indians who are respectable and look after their own interests, and do not eat and drink to excess, or incur large household expenses, are able to save some money.

All the Indians here are comfortably placed, and it chiefly depends upon their own behaviour whether they are happy or not.

I have not suffered in my caste in any way by coming across the ocean to Natal, because I have observed all my religious ceremonies and I have done nothing to debar me from enjoying my caste privileges. On my return to India my relations will receive me as one of themselves. I am of the Kshatria caste, which is the caste of fighting men and agriculturists. If a Brahmin came here, he would not lose his caste unless he did something detrimental to his religion. Brahmins are vegetarians and do not indulge in strong drinks. Simply crossing the ocean, or black-water as the Indians call it, does not involve the loss of caste.

The Indians here drink to excess and do not comply with any of their caste observances.

If an Indian conducts himself properly and works, he is
better off here than in his own country. At the termination of his period of indenture, the ambition of the Indian is to become a landed proprietor, and, after amassing a considerable amount of money, to go back to his own country.

I should be very glad if the sale of liquor to Indians could be prohibited. All respectable Indians would be of the same opinion. The Indians would be more prosperous, if they were prevented from buying liquor. Without doubt, illicit trade in liquor is carried on to a great extent between the coolie and kaffir. The liquor is supplied to the coolie from the canteens, he goes in and buys like any other person. I do not know whether the coolie acts as a go-between between the white canteen-keeper and the kaffir. I think that a coolie, by telling a canteen-keeper that he is going to have a party or a marriage-feast, could obtain a dozen bottles of spirits.

By Mr. Saunders:

There are a few thieves among the Indians. There are a great many more cases of immorality here than in India; there is also a great deal more jealousy here than in India amongst the Indians. The Indians here have discussed the matter amongst themselves, and they would like to see the law between man and wife more stringent by inflicting more punishment on the guilty parties. I would suggest that the punishment be more severe than it is, upon the woman as well as upon the guilty man. The present law punishes the man, but the punishment of the woman is very trifling, only a month’s imprisonment. I would leave the imprisonment in the hands of the Government, and am not prepared to state what increased penalty should be inflicted.

I consider that a marriage ceremony is necessary amongst the Indians, which ought to be registered in the Protector’s office, such registration to be held proof of marriage. I am aware that Indians come here and refuse to work; that is bad. The Indiva, who comes here under a contract and does not carry it out, ought to be punished with imprisonment as well as with flogging and be made to fulfill his agreement. A good many Indians have been deceived by recruiters in India. They are first misled into going to Calcutta for work, and are promised employment as policemen and guards; but when they arrive at the depot, Calcutta, the Agent tells them what they really have to do, and they are ashamed to return home again and cannot well get back.

By Mr. Richardson:

I am not prepared to give an opinion whether, if a larger percentage of women were imported, it would stop adultery; what I consider necessary is that the law should be more stringent in dealing with these cases.

According to the Indian habit, the father gives a dowry to his daughter. Here, a practice which morally amount to selling a daughter has arisen, and this ought to be stopped.

I think that the Indian ought to be allowed to take a second wife, with the consent of the first wife, if the latter is barren, lame, old, or sick in any way, and unable to perform the duties of a wife, but not otherwise.

I think that cremation should be allowed here amongst
the Hindoos, and that a place should be set apart for the purpose of cremation. In India the bodies of all Hindoos are burnt, but in Natal we have to bow to the law. It is believed among the Hindoos that, if their bodies are burnt instead of being burnt, their souls are converted into devils. We have not complained, because we came to a new country and under different laws; therefore, we did not like to raise the question.

There is a good deal of money-lending among Indians, and the rate of interest is from sixpence to one shilling a pound per month. If the money is not returned when due, they get it as best they can—they engage a lawyer to recover it.

I know of cases where Indians, buying from white merchants, have resold the goods at less than cost price and have decamped with the proceeds.

During the term of my indenture I was treated very well by my master. I cannot say about other Indians.

I should like to bring to the notice of the Commissioners that the kaffir constables here treat the Indians like dogs and sometimes arrest as for doing nothing wrong at all, saying that we have been drinking; they tyrannize over us in every way imaginable.

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**Examination of Asoobacker Amud.**

*By Mr. Saunders:*

I have been nearly eight years in Natal. I came from Mauritius, having been in business there. I am well-acquainted with the whole system of Indian immigration. I have given my attention to its defects. I am well-acquainted with the general condition of the Indian population here. I have had a great deal to do with estates, as a general store-keeper. The Indians here are unable to carry out their religion freely and as they desire. When they go to the hospital, they are obliged to eat meat, which is forbidden both to the Hindu and Mohammedan; in the gaol they are also obliged to eat meat, and the Mohammedan has his beard shaved off.

Cremation is not practised in Natal amongst the Indians, as it is in India.

At the time of the Mohammedans festivals, the Mohammedans should have a holiday. There are two Mohammedan festivals—the Ramadhan and Haj.

I think that the condition of the Indian population, as far as food and treatment are concerned, is better in Natal than in Mauritius.

I think that the Indians here are generally contented; the only grumbling is on account of the Sunday-closing of shops, which deprives them of the opportunity of purchasing, as they have to work six days in the week.

I do not think that the Indians, outside of the towns, are under sufficient police control.
I think that, if you prohibited drink altogether to the Indian population, you would do a great deal of good. I think that I could get five thousand signatures from the coolies in favour of the prohibition of drink. Drink is already prohibited both by the Hindoo and Mohammedan religions. Indians are spending more than twelve thousand pounds a year in drink all over the colony, and, if that money were put into education, it would be a great advantage to the colony, and would save over one hundred lives a year. Indians do make a large trade of buying spirits for sale to kaffirs. They do this on their own account.

Referring to the immorality among Indians, I wish to remark, first, that the drinking leads to much of this, and, secondly, the want of education, which would lead them to realise the wrong.

There is no law which provides proper marriage ceremonies, either among the Hindoos or Mohammedans.

Another thing is that girls are married, when very young, to men very much older than themselves. These evils are best to be remedied by education. I think that the law, as enforced in cases of adultery, is not strict enough.

I think that the habits of Indians in Natal are more cleanly than those of Indians in Mauritius; but in Mauritius the sanitary laws are more strict.

I do not think that there is an unusual amount of desertion among Indians here compared with those in Mauritius.

I think about twenty-five per cent. of Indians, on the termination of their indentures, work on their own account, and seventy-five per cent. remain in service at higher wages. There is not a large number keeping stores. I do not think that there are more than one hundred shops, held by free Indians, in the whole Colony. These men are chiefly trading on their own account. There are some few who trade properly, but a great many, for want of knowledge and education, buy and sell below the purchase price, and continue to do so until they fail. The chief point I make for the Indian population here is the want of education, which is at the bottom of most of their complaints. I think that, if the Indians are allowed to remain in the Colony, they will be a great benefit to it; but there should be certain restrictions and regulations in respect to the cultivation of land, and a Government Commissioner should be appointed to direct the disposal of their produce. I will prepare a statement on this subject and send it to the Commissioners.

I do not think that it would be right to compel Indians to go back to India at the end of their service. I think that much of the present complaint arises from bad times; as business mends and produce increases, labour will be required and the present complaint will not be so frequent.

By Brigade-Surgeon Lessor:

Alluding to the Hindoos, the reason they drink in Natal, more than in India, is that in India in many places there are no canteens; for instance, I know of seventy-two villages where no drink can be obtained. Further, drunkenness is such an offence that the offender is expelled from his caste, but this affects only the high caste Hindoo; among the lower castes of the same race drunkenness is looked upon as a disgrace.
Drink is prohibited to the Mahomedan by his religion. The Madrasse is the greatest drinker in India, and, when he comes here, he imports his drinking habits with him. I think that the Madras man teaches the other Indians here to drink.

I have complaints made that Indians in hospital are made to eat that which is forbidden to their caste. I think that it would be very advisable to have diet-scales hung up on the walls of the hospital, written in the language of the Indians, in order that they may see the nature and amount of food provided for them.

I do not think that good coolies are selected and sent to Natal. The coolies are recruited under false pretences in very many instances, for example—I know an Indian woman, a Brahmin, she belonged to Lucknow; through a quarrel with her mother she made a pilgrimage to Allahabad; when there she met a man who told her that, if she would work, she would be able to get twenty-five rupees a month in a European family, by taking care of the baby of a lady who lived about six hours sea journey from Calcutta; she went on board and, instead of taking her to the place proposed, she was brought to Natal. I know of many similar cases.

I think that prostitution and unhappiness, amongst the Indians in Natal, are caused by the deficiency of Indian women in Natal.

The Indian enjoys better health in Natal than in his own country, and the mortality is lower here.

I think that the administration of the estate of a deceased Indian should be in the hands of the Protector of Immigrants. If, after the expiration of six months, and due enquiry has been made in India as to the next of kin, there be no result, I am of opinion that the proceeds of the estate should be devoted to Indian education.

With reference to divorces, I think that they must be left to be dealt with by the Supreme Court; I can offer no opinion, but I shall think over it and forward further information to the Commission on the subject. I will also think over the subject of marriage, and send to the Commission my opinion thereon; it is too complicated to deal with at present.

The sanitary law, which I stated was better in Mauritius than in Natal, is better because it limits the number of occupants in a house, and there is a water supply to every house. The latrine system is better, as there is more water. I think that the sanitary law in Mauritius is more strictly enforced than in Natal.

I think that the hawkers should be compelled to take out a license.

I am not satisfied with the Indian interpreters in some Courts; they are not educated and they accept bribes. I think that an interpreter should pass an examination, equivalent to that called the "higher standard" in India, which is exacted from all Government officials.

The causes of so many suicides taking place among Indians here are, firstly, adultery, secondly, drink, thirdly, the breaking of marriage contracts as regards the children. I do not think that suicide is committed owing to the nature
of the work a man has to do. Fourthly, the use of ganja and the juice of the datura drives them frantic, and they commit suicide, and sometimes homicide. I think that Government should take these matters, of drinking and smoking noxious drugs, in hand, and should pass stringent laws concerning them.

I think that the Indian population in Durban is well housed and well cared for.

The reason, why I said that it would be hard to compel the indentured coolie to return to India at the expiry of his contract, is that sixty per cent. are brought to this colony from India under misrepresentations, so I am informed by the Indians themselves, but whether truly or falsely I cannot say. After these Indians have arrived in Natal and find themselves better off than in their own country, it would be unjust to compel them to return against their will.

I would object to the curfew (9 o'clock bell) being applied to the Indian population, on account of religious and marriage ceremonies, sickness, &c.

The kaffir constables tyrannise over the Indians very much indeed.

I have got a house of business in Calcutta and an agency in Bombay. I have ships of my own and I charter others; I import my own merchandise, and as it has been well bought by my own people, and as I have less expenses both abroad and in Natal, I can undersell the white merchants here.

I have purchased dried fish from the Indians located on Salisbury Island. The fish is not properly cured, and therefore will not keep so long as the fish cured at the Cape. Some fish, cured by a white man, I think, on the Bluff, kept well and for three months longer than that cured on Salisbury Island. I exported eight and a half tons of fish to Mauritius from the Island, and I had no complaints about it. I am of opinion that this trade might be very largely developed for home consumption and export; as things are now, we have to import dried fish from the Cape for use in Natal. Facilities should be given for curing fish near the breakwater, as it is spoilt by carrying to the Island.

By Mr. Richardson:

I do not think that the Indian Government would sanction the prohibition of drink to Indians here, unless petitioned to do so by the Indians in this country. I do not know what the present Mauritius police-pass system is.

I do not think there is any hardship in compelling Indians to do necessary work on Sundays, such as feeding a horse, milking a cow, &c.

If Indian immigration is carried on in Natal in the future as it has been in the past, and no more assistance given by Government in the way of education and agriculture, the Colony will soon be in the same condition as Mauritius, namely, most of the businesses will be absorbed by Indians.

I do not know that the Indians keep open their stores on Sundays in the principal towns of the Colony; there may be some such cases on the main roads.
I think that it ought to be compulsory on employers of Indians to give characters to men leaving their service.

I came here from Mauritius, because business is much better here than in Mauritius.

I do not consider that the Indian cemetery in Durban is in a satisfactory condition; I think that it is disgraceful. I would have it laid out in blocks, according to caste, and each caste should appoint a trustee to look after their interests.

If any other matter of interest, affecting the inquiry, occurs to me, I will note it and send it to the Chairman of the Commission.

DURBAN—SIXTEENTH DAY.

Examination of George Mutukisma, an indentured Indian.

By Mr. Saunders:

I am employed on the Railway. I have been four-and-a-half years in the Colony. I came out as an indentured Indian. My present employment is that of clerk in Mr. Manisty's office. I speak Tamil, Hindostani, Telegu, and English, also French; I read and write in Tamil, English and French. I knew, when I came to the Colony, that I should be bound to hoe fields if required, but I came, finding India too crowded: I could not find employment there. I did not come out in consequence of getting into any trouble in India; far from it. Although I accepted a very low position here, I thought that, in the long run, I should be able to better my position.

By Brigade-Surgeon Lowen:

I am of the Moodiyar caste. I am a Madrassee. My employment, just before I left India, was as interpreter on board an Indian immigrant ship sailing between Pondicherry and Bourbon: I was engaged in that occupation for two years and three months. I am a married man. I married, since I came to Natal, a person of my own caste who came with me from India. I am bound to her as husband as long as I live; and my wife is also bound to me as long as she lives. I do not think that I can legally take a second wife in Natal, but in India I could do so.

The legality of Indian marriages in Natal consists in the registration by the Protector, and he would not recognize a second legal wife. I consider that I am married under the laws of Natal. In India we are governed by the Hindoo law, which permits plurality of wives. With reference to the division of property on a husband's decease, if two women are married to a man in the orthodox way, namely, by the tying of a Thali (a gold neck-ornament, with an inscription on it) in the presence of a Brahmin priest, round
the neck of the woman, then these women, on the death of the husband, would share and share alike in any property left by him; but, if the first wife bear children and the second wife none, then the husband would have a right to a third wife, and the second wife, being barren, would not participate in the division of property. If the third wife bear children, she would have the right to property forfeited by the second wife on account of her barrenness; but in no instance can more than two wives share in the property, and they must have borne children to their husbands. In Natal we consider that a legal marriage requires the usual ceremonies, as practised in India, especially the tying of the Thali in the presence of a Brahmin priest; in the absence of a Brahmin, any old, respectable member of the same caste can officiate as priest; then, after that, registration is necessary in the Protector's office. We do not get any document from the priest in Natal, but we do in India; here we rely on the registration in the Protector of Immigrants office.

With respect to divorce, the law of Natal at present seems very obscure: I believe we have to apply to the Supreme Court, I do not know. The application for divorce through the Supreme Court, and proofs required, would be so extremely expensive to a man, newly indentured, and receiving only ten shillings a month, who wants to divorce the wife whom he brought with him, that no applications are made; the wife is simply driven away, and hence the marriage tie becomes looser and looser, until marriage is not regarded at all as binding a man or woman.

I think that power should be given to the Protector's Court, or to the Resident Magistrates, to hear applications for divorce, and the decision should be final. The Supreme Court is too costly and beyond the reach of poor people. The Protector has power to hear complaints as to adultery, but not cases of divorce; he can impose a fine of ten pounds on either party, and imprisonment for a month. I believe that there is a great deal of adultery and desertion from husbands going on here. The free Indians, who have made money and are able to move from one district to another, tamper with and seduce the wives of indentured Indians, whose hands are bound and who cannot leave the employment of their masters and fellow the guilty parties. There is no doubt that this leads to much crime, but not to suicide or homicide or murder. I do not think there is much homicide or murder in Natal, in comparison with India. The suicides are chiefly among the new arrivals. They find, when they arrive here, that the sort of work promised them by the recruiters in India is quite different to what they actually obtain. These are men, generally, unaccustomed to manual labour and who expected to be employed as messengers, peons, and in light occupations.

There is not the least doubt that the recruiters in India intentionally deceive men, who may perhaps being well in their own homes, into coming here, by holding out promises of bettering their condition. Before joining at the depot at Madras the men are taken before the Protector, who is a high civil servant, who tells them plainly that they have to go to Natal and work as agricultural laborers. The men do not believe this, as they are biased by the recruiters, who tell them that it is only a matter of form. Beyond a physical examination by the doctor, nothing more is done, and they are shipped off to Natal. At one time the majority of the immigrants were the towns of the Madras Presidency; but the class coming now, since the agency
I think that caste feeling has disappeared in Natal; this disappearance commences immediately the Indians get on board ship. The little feeling of caste, which exists in Natal, is kept up by the Mauritius Indian merchants, who think themselves better because they are rich and who think that, by observing caste distinctions, they can set themselves apart from the Natal Indian people. Men can regain their caste, on returning to India, by going through certain ceremonies, but women cannot regain their caste under any circumstances and are thrown off by their husbands and resort to prostitution for a living; there are, of course, exceptions.

With regard to education, I think that this is to be advanced among the Indians best by Indian schoolmasters, of some education, and not of the type existing at present; they would not be used in India, because their knowledge is very limited and their interest is more given to trading than to their pupils. The school hours here are very short, and all the spare time is occupied by the masters in trading, and in managing their own affairs.

I find that intemperance is very rife among all classes of coolies here. I do not think that coolies should be prohibited from getting drink; I do not think that I am in the majority in this opinion. In India these men are abstainers, as a rule, but in Natal there is so much facility for getting drink that they fall into the habit.

I think that the Indian population here is very well cared for, as compared with Bourbon, Mauritius, and, to a certain extent, with their own homes in India.

By Mr. Richardson:

Sometimes, the sirdars are too tyrannical and suppress complaints made by indentured Indians, which are, therefore, not brought to the master's notice. Sometimes, the Indian leaves his work in order to report the case to the Protector, and he is punished for being absent without a pass. In other cases, the sirdar either levies black mail or stops a man's rations, without the master's knowledge. In such cases, it becomes a case of hard swearing on both sides, and the sirdar's statement is believed. There are never such cases on the railway. My remarks about other cases are from hearsay, and from witnessing cases which come into the Magistrate's Court in Durban.

There is very little infanticide here. If Indian customs prevailed in Natal, there would probably be more of it, because Hindoo law prohibits all widows from re-marrying, and, if such a law was in force here, a widow would have unlawful connection and would hide her shame either by abortion or by infanticide.

In India, a woman, committing adultery, would lose all claim, for herself and children, on the estate of her husband. I cannot say how the law in Natal would operate in such a case.

I think that it would be a very good thing to require free Indians here to carry passes. The system exists in Reunion and acts very well; for instance, as soon as an Indian man
there becomes free, after his first five years, he is bound to
go to the Mayor, or to a police authority, and inform him as
to what occupation he intends following, and as to the dis-
trict in which he intends living; he then has to pay five
francs for a pass-book, besides one hundred and twenty
francs a year for a license to practise any profession or busi-
ness, otherwise he must reengage for any period not less than
twelve months. He has to make special application, on
removal from district to district, but pays no further fee; an
entry is made in his pass-book to the effect that he is at
liberty to go to another district, such district being named.
On his refusal to reindenture, or to pay the license fee for
trading, he is reshipped to India at the expense of the
colony. In Natal, if this system were adopted, you would
have to limit the power, of granting such licenses, to the
Resident Magistrate and the Protector or deputy Protector,
in order to guard against the levying of blackmail by un-
reliable persons. Speaking as an Indian, I think that the
adoption of this system in Natal would be a very good
thing. It would stop excessive vagrancy, and would tend
to keep men in fixed occupations.

I think that it would be better not to make Sunday work
compulsory in the agreements with Indians, even for a
small portion of the day, because it would be difficult to
define what a small portion of the day meant; but an agree-
ment might be entered into in Natal, with them, to do a
certain amount of work on Sundays, such agreement to be
signed before proper authorities. It is true that, in Bourbon,
they are bound to do certain work on Sundays and holidays,
with reference to the care of animals and the necessities of
daily life, but the French planters there, saying that every-
thing is necessary work, make the men work in the fields all
day. The English consul interfered, to the extent of stop-
ning abuses under the provisions of the law referred to.

There are many Indian money-lenders in the Colony, who
make it a business. They charge a most exorbitant rate of
interest, sometimes two shillings and sixpence in the pound
a month. The money lent to an indentured Indian cannot
be recovered legally, it is only obtained from them by threats;
in many cases it is never recovered at all. This often leads
to assaults. A man here gets ten shillings a month as wages,
he goes and borrows five shillings of a man, pledging his
future pay; in a few months the interest exceeds the amount
borrowed, and, till the end of the indenture, the man may be
at the mercy of the money-lender; this sometimes has the
effect of leading the man to desert. In my opinion this
money-lending cannot be put a stop to; hence a great deal
of unhappiness and misery is occasioned, the man not being
able to purchase any little luxuries which otherwise he would
have enjoyed.

I consider that the rations, as per scale here for coolies,
are sufficient. I speak of my own experience on the Rail-
way. Men working up-country get an increase in their
rations, to the extent of two pounds.

I think that the introduction of a larger proportion of
females would diminish adultery here; but a good deal de-
pends on the distribution of them.

By Mr. Saunders:

I think that Indians absent themselves from work on the
Railway because, having easier work and easier hours than
men on estates, they become lazy.
I do not know if white men engage in leading money to Indians on the Railway.

I have no complaint to make with respect to the general condition of the Indian population in Natal.

AVOCA—SEVENTEENTH DAY.

Examination of Mr. Leon Jacquin.

By the Chairman:

I keep the Avoca Hotel. I complain of the bad smell and of the manure and the deposits from the Avoca distillery being so near my premises. The smell at present is nothing, but at times it is very bad. The dundies are horrible. This annoys me, both in my own premises and on the road. I most certainly think that the smell is injurious to health, and I know that it is injurious to my trade; many gentlemen used to come to my hotel; they complained to me of the bad smell, especially when the wind comes from the east, and now they do not come. I point out the dunder pit, which is about one hundred yards from my verandah. The smell from that pit comes to my house. I have several times complained both to Mr. Harrison and his manager. I use rain water from tanks. For kitchen purposes, I obtain water from Mr. Harrison's dam, on the hill above the dunder pit. That is pretty good water and is not polluted. I speak of the upper stream. The lower stream is polluted by the vacuum-pan water and by the distillery.

The coolies use the open place in front of my house, below the road, for latrine purposes; it is a marshy place, created by the water from the distillery. The coolies go to the water and wash their persons after calls of nature; I am speaking of the lower stream. I see this every day. I produce a glass, full of water just taken by my servant from the lower stream. This stream goes down to the Little Umhlanga.

By Brigade-Surgeon Lever:

There is a manure pit made up of ashes, begasse, trash, and Brown's manure (manufactured of Durban night-soil); that pit is on low ground, on the banks of the stream which runs near the railway arch. The stable manure is also put there. This low ground is subject to inundation, and the soakage from the manure goes to the Little Umhlanga river.

Examination of Mr. Henry P. Harrison, of the Avoca Estate.

By the Chairman:

I am the proprietor of the Avoca Mill; it is also called Rose Hill. I have a sugar mill and a distillery. I have about one hundred and ten coolies on the estate.
I think that the Protector of Immigrants should be a man who understands the Indian languages himself. I think that it is detrimental to the interests of the planter that the interpreter should go round to the coolies and ask for complaints. I think that a coolie, when going to the Protector to complain, at Durban, should ask his master or overseer for a pass. If a pass were refused, he would be justified in leaving the estate without one.

I wish to mention a grievance of my own. About a fortnight back, without any notification from the Protector of Immigrants, I was summoned by the Clerk of the Peace before the Court at Verulam, although the Branch Court had sat at the Avoca only two days before; I was summoned for non-payment of one month’s wages to a coolie, and was fined thirty shillings with the alternative of one week’s imprisonment with hard labour. At the Branch Court, two days before, I had charged the same coolie with stealing sugar, but could not prove the actual theft, and the case was dismissed. On account of that theft my nephew, who had told the coolie that he would not pay the wages unless the name of the thief were given up, had stopped the wages of that coolie, but, after the dismissal of the case at the Branch Court, the wages were paid; they were paid the same day or next morning. At the Verulam Court I told the Magistrate that I had paid the wages, but I was nevertheless fined. I mention this to show the hardship of the case; if I had received notification from the Protector, I could have explained the matter: he used to give such notification, but does not do so now. I spoke to him on Wednesday last, and he told me he was not allowed to give such notification, and informed me that I might mention the matter to the Commission.

I do not think that a fine is punishment for a coolie, because he can easily raise the money by subscriptions from his brother coolies.

I understand that the magistrates have received orders, that cases wherein men refuse to work are to be considered as cases to be dealt with by the master, who has power to fine a shilling for each day of absence from work. I object to this, as I consider that refusal to work is positive disobedience, and that it is punishable as such. I think that trivial cases should be decided at the Branch Court here. I have been informed, when I have complained to the Clerk of the Peace, that this is not done because Government will not pay the travelling expenses of the Clerk of the Peace.

By Brigade-Surgeon Leuer:

The source of my water supply is from the springs around the mill and from water dammed up. This dam is situated about two or three hundred yards from the mill. The water supply for the mill is brought from the dam by a stream. The water from the vacuum-pan runs into a large sand-hole, but I believe that just now the hole is rather bunged up. After percolating through the sand, the water runs into the Little Umhlanga river. The backward flow from the sand-hole is caused by the vacuum-pan water, which should percolate through the sand, not finding exit there; thus it flows back into the small stream, which flows into the Little Umhlanga. This should not be; the water should not come back, but it happens on account of our clearing out the sand-hole. Mr. James, sent by Colonel Hine, has been satisfied with my explanations.
As to the constituents of the dunder pit, it is composed of ash, the refuse from the boiler, any odd cleanings from the yard, and then the dunder is thrown on top of it all. It is the only way we have of making manure. The distance between this dunder heap and the stagnant pool of vacuum-pan water, is about ten or twelve yards. The dunder heap is at a higher elevation than the sand-hole in which the vacuum-pan water is, and the sand-hole itself is three feet higher than the stream running into the Little Umhlanga. I am of opinion that nothing from the dunder heap, in the way of drainage, should go to the stream below. If the sand-pit, into which the vacuum-pan water runs, were in proper order, the water, after percolating through the sand, should be perfectly clean, and its exit would be in the Little Umhlanga. The second dunder heap is near the railway; it is composed of the same materials as the other dunder heap. Thirty or forty tons of Brown's manure have been mixed in this heap. Brown's manure is composed of the refuse from water closets, and of blood and refuse from slaughter-houses. This second heap of dunder is within one foot of a drain, which, in the rainy season, carries off water collected on the hills around. The natural drainage of the land is from underneath the railway bridge into that drain, which conveys it into the Little Umhlanga river.

I have no latrine accommodation on my estate; if I had, the coolies would not use it. The coolies resort to the cane or anywhere they can, nearest the watercourse. After stools, the coolies wash their persons in the watercourse. I have seen a boy, so washing his person, and another boy drinking the water below the first one. I had to move about fifty huts, in order to protect my water supply. My reservoir supplies the whole neighbourhood, baker, canteen-keeper and anybody else, with water.

I am satisfied with the arrangements made for the medical care of my coolies.

With reference to Government Notice, No. 448 of 1889, Rule No. 48, I have not complied with this rule, on account of the Central hospital being on my land; I gave them the land. I excused myself on that account.

I received notice from the Protector of Immigrants as to the hospitals. This was about two or three years ago, but since then I have not received any further notice from him. I considered that the Protector of Immigrants was satisfied, or I should have heard something about it. The Protector of Immigrants was round on my estate on the ninth or tenth instant. I shewed him my hospital at the mill. The hospital is at present used as a store-room. Within a week, I had a man in the hospital, a suspected case of dysentery; he was put in the room, and the door was fastened by a chain and staple on the outside; he was kept in about half an hour; he said that he had dysentery. I did not believe that he had dysentery, and that is why I locked him up. I think that the doctor had been spoken to before the man was put in the room. I have sometimes locked up other men in the hospital, sometimes eight or ten men, who were shamming. They will not stay, unless the door is locked. The room is about twelve feet square and about ten feet high. The room has a barred window, so there is plenty of light.

By Mr. Richardson:

When I dismissed the sirdar about the sugar, I did not
give him a character. I never give any free Indians, leaving my employment, any written characters. I employ very few free Indians—about six.

I have never had a case of an indentured Indian positively refusing to work. I have received men who were unfit for work on allotment. Two men were allotted to me who were ordered to the hospital by the doctor on the day of their arrival. They died in the hospital, and I was asked to pay hospital fees, but I refused. The case was not taken to trial.

I have never asked the medical officer to come and inspect Indians on allotment to me, but in future I mean to suggest it.

I produce two men allotted to me, and who are unfit for work. They never have worked.

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REUNION ESTATE, ISIPINGO—
EIGHTEENTH DAY.

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Examination of Mr. G. R. F. Christie, Manager.

By the Chairman:

We have one hundred and ninety-three indentured Indians working on this estate, and eighty-five free Indians. There are about two hundred and fifty women and children on the estate. I have been on the estate since the first of May, 1884. Before that I was growing sugar, on my own account, at Duff's Road in Victoria County. I have thus been engaged in the sugar enterprise three years and a-half.

On this estate the vacuum-pan water (we have one vacuum-pan) is carried off by means of a pipe-drain to a distance of about sixty feet from the mill, after which it is carried, by an open drain, to a sandy field of cane, where, at a distance of not more than two hundred yards, it is absorbed in the land; any which is not absorbed finds its way through open drains to, or in the direction of, the sea. I do not think that any of this vacuum-pan water gets out of this cane field; it is all taken up in the field. In the event of the vacuum-pan water being in excess, we are able, at a minute's notice, to divert it into the river, at a point about fifteen feet from the mill, by disconnecting the pipe and by allowing the water to flow down the old dunder drain, which is not in use at present. The water would thus enter the Umlaus river, about two hundred yards from the mill, and about a quarter of a mile below the bridge, where the coolies get their water for drinking purposes. There are no huts between the bridge and the sea. The land on either side of the river, right down to the mouth, belongs to the estate. There is a distillery on the estate, but it is not used now. The distillery has not been working since December of 1883. It is not at all likely that it will be shortly used again. I have not seen the distillery in working condition, and, therefore, I am not in a position to speak as to the working of the dunder arrangements.
On this estate we have allotted places to the coolies for the purposes of nature—some two hundred acres of land, on different parts of the estate adjacent to their dwellings. We find that the coolies avail themselves of these places of retreat.

The condition of the huts, inspected by the Commissioners to-day, is their usual condition. The coolies have had no warning of the Commissioners' visit. The arrangement, of which I have spoken with reference to coolies easing themselves, was commenced by myself, because I found it very necessary indeed, in the interests of both employer and employed. When I first arrived here, I found the roads, paths, banks of the river, even the river-bed itself close to the place where the coolies drink, in a very filthy state. The stench on many parts of the estate, especially just before sun-rise and towards sun-down, was sufficient to cause serious illness. I found this defilement close to the buildings. The coolies used sometimes to go to the mill stables.

It appeared to be necessary to punish offenders, which I could not do by means of a fine. I therefore instituted the following arrangement. Any person found committing a nuisance outside prescribed limits, by which I mean in the neighbourhood of the occupied houses, was made liable to a fine of two shillings and sixpence, the money being given to the person apprehending the party in the act. I find that this system has worked well. I would not be in favour of changing my system for one providing latrines for the coolies. I see great difficulties in persuading or compelling coolies to make use of latrines; also in keeping them in order.

There has been no friction between this estate and the Protector of Immigrants, since I have been here.

I have no reason for thinking it necessary that the Protector of Immigrants should have a seat on the bench as co-magistrate, in cases between employers and Indians. I would be of the same opinion as to cases, wherein both parties are Indians. I have reason to think that the Magistrates' decisions are pretty closely watched by the Protector.

There is one point to which my attention has been called lately, the question of coolies suffering from venereal diseases. There is nothing, in the present law, which provides for the retention in hospital of Indians suffering venereal; they are at liberty, if they think fit, to defy the doctors and to return to the estate. I think that the law should provide for the detention of such coolies in hospital until they be cured.

With reference to desertion, I have something to say. The law is very deficient in provisions for the punishment of such cases. I would suggest that a distinction be made between desertion and simple absence. I would punish desertion more severely than simple absence which can be accounted for. There is nothing to prevent a coolie from deserting and obtaining more profitable work from other employers for a certain time, and then returning to the estate to find only his month's wages stopped.

If the married women wish for work, we find it for them. We have had applications at times and have never refused them; but we have found great difficulty in getting them to work, if wanted in the busy season. At the Protector's last visit on the 4th of March, several women came to him and complained that they got no work; when asked if they had
applied for work and had been refused, they replied in the negative. They were informed by the Protector that they had only to ask for work and it would be given them. They had not asked for it. If a married man be in hospital and if his wife does not ask for work, no provision is made for her sustenance; but I should like to add that I have not known of a married woman making a request for food.

I have no suggestions to make with reference to the social condition of the Indians. We have a few trivial cases of complaints, which I am generally able to settle. I think, as far as my experience goes, that there are quite enough women. I do not think that we have any professional prostitutes on the estate.

By Mr. Saunders:

We have great difficulty in enforcing discipline amongst the men on the estate with respect to their work; this applies to the unruly men amongst them. We have no means of enforcing authority. We have recourse to the Magistrate's Court, but we do not avail ourselves of this in trivial cases, and our experience goes to shew that the Magistrate is very much influenced by respect for the Protector's Office: I mean to imply that my experience has been that the Magistrates are excessively lenient.

I find no trouble in keeping order amongst the Indians in their camp.

I consider the free Indian preferable to the native; and I consider, roughly speaking, the indentured Indian, after he has completed from three to four years of his agreement, equal to the free man.

We employ free Indians to work engines. We also find that some few of the indentured Indians become worthy of positions of trust before the expiration of their term of indenture. We use such men to plough and to drive, and I think that they are able to do any work which the native can do, and wherein mere brute strength is not employed.

I am unable to say whether the sugar industry could be carried on without the assistance of coolies, but I should be very sorry to be dependent upon native labour, such as it is at present.

Under the present medical system, I do not find any difficulty in getting the sick men together for the doctor's inspection. They are supposed to report themselves, and to remain somewhere about in attendance. I find they usually do so.

It has been decided that we do not require an estate hospital, and I would suggest that the Medical Officer, if practicable, should pay his visits to the estate at stated times; then there could be no difficulty whatever in getting all sick men together. I have heard of no complaints, and the present system has, I think, worked very well.

I am troubled with very little drunkenness on this estate; it is almost unknown here. Our men are chiefly from Madras. We are about half-a-mile from a canteen. I am not aware that free Indians sell liquor to kaffirs; I have had no opportunity of seeing that.

We have a very small proportion of sick and very few shamming men.
I think that the Indians on the estate are, as a body, cleanly with regard to their persons, both men and women.

We make use of the sirdar system, and our men work well under the sirdars. There are no complaints against them. Personally, I have no reason to suspect foul play, such as the levying of black-mail by the sirdars. I have not heard of any misuse of their power.

By Brigade-Surgeon Lower:

The retreats, set apart for the use of coolies easing themselves, are so placed, with regard to the buildings generally, that no unpleasant smell is noticeable even when a westerly wind is blowing: this is our prevailing wind. There is a smell from these retreats, which is noticeable on passing them. On one side, these retreats drain into the Umlass river, below the drinking place. There is no danger, save in an exceptional flood, of the river-water reaching these grounds, or of the drainage from these grounds reaching the river. This ordure dries up, or is absorbed by the soil, and I do not think that there is any danger of the pulverized remains being carried about by the wind. There is no water course through these retreats.

The dunder refuse, when the distillery was at work, with the exception of what was used for manurial purposes, found its way into the Umlass river. The Umlass is a tidal river. The tide is appreciable to a distance of about three hundred yards from its mouth. The dunder finds its exit at the mouth of the river, and is not carried back by the tide.

We have had no burials on the estate since I have been here. They generally bury at the Central hospital. There is no special burial ground on the estate.

I think that it would be advisable that coolies, before allotment to estates, should be examined on arrival by a board of three medical officers, for reasons which are obvious. This estate has been saddled with men utterly unfit to labour. I believe they were passed as fit for labour by a doctor on arrival.

I think that increased medical circles and an extended sphere of operation for the doctors might be advisable. I think that, if the doctors could be paid higher salaries, if necessary, and have their attention confined strictly to estate work, it would be better.

I do not consider that the coolie population in the immediate neighbourhood is sufficient to support the Isipingo central hospital. Ours is the only sugar estate in the neighbourhood, employing indentured Indians in any quantity.

By Mr. Richardson:

I do not ration the families of indentured Indians, when they do not work.

I do not consider that it would be a hardship on the Indians to make them do necessary work on Sundays. I always pay them for it.

I do not find that any evil results arise from the Protector's visits to this estate. I am not aware that the Protector has visited the estate without my knowledge.
believe that Indian emissaries, from the Protector's office, make periodical visits to different estates. I have seen and recognised some of them here, but have not thought it worth my while to enquire their business. These men hold no communication with those in authority on the estate.

From an employer's point of view, I see no objection to the coolie obtaining his freedom at the expiration of his term of service and remaining in the country as a free man. At present I get free Indian labour at the rate of twelve shillings a month.

As a white colonist, I am strongly opposed to allowing time-expired Indians to remain in the Colony in competition with Europeans; we want them as labourers, not as colonists.

I see no reason why the estate should not, in the first instance, pay all reasonable expenses incurred in returning deserters, provided they be recoverable by the estate from the deserters.

We pay the maximum amount for medical fees, namely £120.

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DURBAN—NINETEENTH DAY.

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Examination of Mr. S. F. Beningfield.

By the Chairman:

I am at present proprietor of the Equeefa Estate to the extent of two-thirds, the remaining one-third belonging to Mrs. Baxter; this is by a judgment of the Supreme Court, now under appeal to the Privy Council. The estate is registered in my name. I think that there are about three hundred and fifty coolies, indentured and free, or the estate; I am speaking roughly. I am aware that there have been complaints, by the Medical Officer down there, about the sanitary state of the estate. These complaints have been communicated to me by the immigration department. With reference to those complaints, I have written a letter, dated 18th February, 1885, to the Protector of Immigrants. In that letter I stated my reasons why I cannot fall in with the recommendations of the Medical Board. As to suggestion number 1 (the collection, drying, and burning of decayed cane, refuse on the road, &c.), I say that it is unheard of: I confirm my reply in the above letter, as to this suggestion. With reference to suggestion No. 2, (the drainage of the valley in which the mill, huts and gardens are situated), I say that the visit of the doctors took place during the rainy season, after an unusually heavy downpour of rain, and at a time when the manufacturing was being carried on; it therefore stands to reason that the roads and yard would not present as clean an appearance as they would in dry weather, and when the mill was not at work. I am of opinion that the pools of water, and roads, referred to by them, were no worse than on any other estate in the colony, under similar circumstances. As to the 3rd
suggestion, that the dunder pit be emptied and filled up, my reply is that there is no dunder pit to be emptied and filled up, as the distillery has not been at work for some time; I think that the distillery ceased to work at least twelve months before the visit of the doctors. I have no idea to what they referred, when they spoke of a dunder pit; it may be that they were confounding the manure-heap with the dunder pit. The Commissioners can see this manure-heap, when they visit my estate. As to the 4th suggestion (establishment of latrines, &c.), I ask how are the coolies to be compelled to use them; I am not aware that latrines are in existence anywhere else: I do not think that it is possible to work such a system. I believe that, if you were to compel coolies to use latrines, they would rebel, nor do I think that you could compel them to empty them and keep them clean according to the recommendations in the doctors' report. I believe that the system of latrines is most detestable to coolies, as I have stated in my letter, and their customs render the proper use of latrines utterly impossible; by customs, I refer to the using of water after stools and their habit of stooping in the open air. There is not an estate in the Colony on which I have not noticed human excrement, especially near the huts of the coolies. As to suggestion No. 5 (utilizing of the zinc roofage for the collection of rain water to be stored in tanks), it is unnecessary; the supply of water to the estate is ample and of good quality, emanating from natural springs in the hills; one spring is near the mill. I think that there is a sufficient supply of good water on the estate. Indians have been prohibited from using the water from the streams, as there is ample water for them from the spring. I, as proprietor, have had no complaints from the Indians on the estate, save in one instance, about two years ago, when one Indian made some trivial complaint about an overseer. As proprietor, I have not been accustomed to visit the dwelling-places of the Indians on the estate; I have left it to the manager and I have every reason to believe that the men, as a rule, are happy and contented; of course there are always exceptions. Their wages are regularly paid, they are supplied with the best of provisions, and, whenever they work overtime, I believe they are compensated for it. As a proof of their contentment I may mention that, at the beginning of this year, there were several free Indians on the estate who were engaged at wages ranging from twenty to twenty-one shillings a month; I notified to the manager that all wages on the estate, with the exception of those of indentured coolies, were to be reduced. The wages of these free Indians and Kaffirs were reduced to sixteen shillings and the option given them of a month's notice to leave, and, as far as I am informed, not a single Kaffir or free Indian left, but accepted the lower wages, which are, I believe, lower than those on other estates in Victoria County, the managers of which have also made a reduction. I do not know that it is a fact, that the mortality on the Equeefa Estate has been greater than that of any other estate in the vicinity; I wish that the Commissioners on this point will particularly question the manager on the estate.

I am of opinion that there should be some alteration in the system of inspection of estates by medical officers; more frequent visits are desirable. I myself think that the Medical Officer should visit the estate every other day; at present, I believe, he visits only once a week. On an estate employing from three to four hundred hands, the chances of accidents and sickness, in my opinion, require more frequent visits. The fact, that this estate alone pays the Medical department £120 or £130 a year, entitles it to more attendance from that department.
I hardly think that it is desirable that the Protector of Immigrants should sit as a magistrate with the Resident Magistrate in coolie cases. In cases where both parties are Indian immigrants, I can see no objection to his sitting; my objection applies to cases wherein one of the parties is the employer, because I think that the Protector's opinion would be biased. I do not desire to express an opinion as to the advisability of the Protector having a seat on the Trust Board, as I have not thought of the matter sufficiently.

As proprietor and employer, I think that several improvements are necessary in the present system of Indian immigration, as to which my manager can give information in detail; my opinion is that they are desirable. Desertion is one of those points; also fines for absence. I am not always satisfied with the allotment of clothes to me, because some of the men are totally unfit for work, and it is impossible to force them, as they are plainly incapable. I should plan, as remedies for this, firstly, medical inspection at the other end, secondly, medical inspection at the depot here before the men are sent out as fit for work. I do not know what my manager does with such men, but I, as employer, wish to get rid of them at once, as not only are they useless themselves but they have a bad effect on the other men of the estate.

I think that, if the suggestions of the doctors were insisted upon, the effect would be to close my estate, on account of expense and because the coolies could not be forced. I am not convinced that the suggestions and alterations are necessary, and, before I am convinced, I would send out to the estate two qualified and disinterested medical men for a report, by which I could, if necessary, carry out the alterations. If I were convinced of the necessity of such alterations, I would carry them out, always provided that such alterations were possible.

By Mr. Saunders:

With reference to the complaints which have arisen, I believe that they are owing to some personal misunderstanding between the manager and the doctor. I have been informed that the doctor has made the remark that "either the manager would have to leave the vicinity, or he would be compelled to."

As far as the sugar industry is concerned, I consider that it would have been impossible, and that it still is, to carry such industry on without the aid of Indian labour. I think that, if the Indian immigration were permanently stopped, as the Indians were withdrawn from the colony, so would the sugar enterprise gradually get less; it would, of course, stop all extension. As these estates fall in or were discontinued, there would always be a certain proportion of mechanics, such as carpenters, engineers, wheelwrights and others, who would apply to managers and overseers for work and who would be thrown out of employment. I do not think that the stoppage of Indian immigration would very much affect the white man's wages. My opinion is that, if it could be done or if the Indian Government would sanction it, the compulsory reindenture of the men or the compulsory return of the men to India is desirable. Under present circumstances, I think that we have quite a sufficient number of free Indians in the colony. I do not think that there are many free Indians competing in trade with the white man; whatever competition there is, arises from the Arabs, who, I presume, are as free to come and go as we are.
Indian labour, as a rule, is far preferable on a sugar estate to that of Kaffir, for the reason that it is more reliable, and the Indians take to agriculture better than natives, and are handier in other respects, such as doing mechanics' work, and as domestic servants. To a certain extent, compulsory exporting of Indians, who refuse to re-indenture, would interfere with the supply of domestic servants. I have no remark to make with respect to the system of instalments.

As far as the country is concerned, when an estate is properly managed and the men are contented, I do not think that there is any excessive intemperance among the Indians. In my opinion, more care should be exercised in selecting the class of men to be sent here.

I believe that the Indians and Kaffirs, here at present, get on very well together.

There is nothing upon the general, broad subject, to which I wish to draw the attention of the Commissioners.

By Brigade-Surgeon Lever:

Under certain circumstances, I admit that sanitary measures are necessary where a large number of people live together, especially where the mortality is in excess of the average of the Colony; this would apply also to the sick rate. I do not think that sanitary measures are required on the Equeefa Estate, and in this opinion I would be, to a certain extent, guided by the death rate. I am not influenced by the absence of sanitary measures on other estates, although I consider that, if the Equeefa Estate were compelled to carry out sanitary measures, the same course should be adopted as far as other estates are concerned.

I am aware that on board ship latrines are in use, as well as in the Durban and Pietermaritzburg Gaols; but, as I before stated, I do not think that coolies could be compelled to adopt the latrine system on estates without causing great dissatisfaction, and I have been informed that, in Mauritius, where a large number of Indians are employed, very few of the estates, if any, adopt the system of latrines.

I am certainly satisfied that the present mode of examining Indians, before sending them to estates after allotment, could be improved upon. I think that a Board of three medical gentlemen would be preferable to the present arrangement of one man.

I am not aware that cases of disease have been treated by my manager and not reported to the doctor; I can hardly think such would be the case, unless in some trivial matter, or where it might be necessary for him to do something before the arrival of the doctor. I am not aware of a death or serious illness having arisen in consequence of a wrong diagnosis of disease by the manager, or by reason of the administering of improper medicines: if such has been the case, I have no doubt that the manager can give a satisfactory answer or explanation. I am not aware, I can hardly credit it, that the medicines, ordered by the doctor, are not given to the sick. I believe that men reporting themselves sick, are paraded at the estate hospital by the manager every morning, and also when the doctor visits the estate. I think that some alteration should be made in the arrangement of the medical circles. I consider that the area of each medical circle is in excess of what the doctor can properly attend to. It would undoubtedly be an advantage for the doctor
to confine his practice entirely to estates and if he were thus debarred from private practice. Under the present system, it is possible that some men might be lying ill for five or six days before the doctor attended to them; if some serious case were to occur, the medical man would be specially sent for. I do not know how much of the £120 or £130, paid annually by me as medical fees, goes into the pocket of the doctor; but I have been informed that a large amount is standing to the credit of the Medical Fund. I am of opinion that, if the Equeefa Estate and the adjoining estate of Messieurs Reynolds, each of which pays about £150 a year for medical attendance, were permitted to retain this amount and to employ a properly qualified medical man, such could be done, certainly with advantage to the Indians. I consider that such doctor should be under the control of the Trust Board, and that he should not be the private servant of the planter. I am of opinion that, if certain estates chipped together, and all their fees went to the doctor, such system would work well in place of the present one; a great deal of the doctor’s time is now taken up by private practice. We have an estate hospital, and there is a Central hospital at the Umzinto, about six miles off.

With reference to Rule No. 38 of Government Notice 448 of 1880, I certainly think that the Protector of Immigrants is not competent to form an opinion of the diagnosis of the doctor or of the reports in the case books. With reference to rule No. 47 of the same notice, I think that the Protector of Immigrants is not competent to decide medical questions as to disease and medical treatment.

I think that it would be advisable to have a Medical Inspector to supervise the whole medical system. In my opinion, such a system would be advantageous to the Indians and would give satisfaction to the employers, and would also have the effect of doing away with a great many complaints and much unpleasantness now existing.

If some check were not put upon Indian Immigration, and if the supply were to continue as it has done of late, and the demand for Indian laborers were not to increase, I think that the continuation of the present system would be prejudicial to the Colony as far as the white population is concerned. I do not think that the white man has, as yet, been driven out of the Colony by the Indians, neither do I think that the coolie immigration has prevented white immigration to this Colony.

By Mr. Richardson:

I believe that the Indians were originally brought out here with the intention of being laborers. I consider that the occupations of free Indians, at present, cause land to be let at a higher rate than it otherwise would; the Indians occupy the land mostly for the cultivation of melonies, tobacco and vegetables. If the Indian Government sanction the compulsory return of Indians from other Colonies, I see no reason why they should not follow the same rule with respect to this Colony.

If an Indian, during his indenture, was to leave his master, and return again of his own accord, or be sent back, I consider that the contract should be cancelled.

I do not know that there are so many free Indians out of employment, but, if it be so, it must be because they are
unwilling to engage at the wages now offered or because the depression in the sugar industry has, for the time being, limited the demand.

In the case of intestate estates, I think that unclaimed money should vest in the Trust Board. I should say that, if any of the imported Indians become paupers, their support should fall upon the Trust Board, because there is a certain sum contributed by the Colony for the purpose of immigration, and if, as you put the case of intestacy, the estate would go to the Trust Board, I think that it is only right that any demand by paupers should also fall upon the same department. If the sum in the hands of the Trust Board were not sufficient, it would be a matter for legislation.

The estate labor-book should, I think, on all reasonable occasions, be opened for the inspection of the Protector of Immigrants.

DURBAN—TWENTIETH DAY.

EXAMINATION OF DR. F. W. GREENE.

By the Chairman:

I am the Medical Officer of the Isipingo Circle. I was appointed, I think, about eight or nine years ago. The number of indentured Indians on the estates under my charge is, roughly speaking, three or four hundred. A large number, which I cannot specify, of free Indians, is also employed on those estates. I was associated with Dr. Bonnar, at the end of last year, in visiting the Equeeza Estate and reporting upon it.

By Brigade-Surgeon Leuer:

As a rule, lately the recruits have been a better set of men; there have been exceptions. From what I have seen of these men, I do not think their ages are correctly stated in many cases; as a rule, they are older than stated. I have noticed men, unfit for a day's labour, who were assigned to an estate for which I am Medical Officer. In one case, a boy of about fourteen years of age was passed as a man. He was too young to perform the duties of an able-bodied labourer. That instance was reported to the Protector of Immigrants. I have not seen any man suffering from the effects of over-work for the last two or three years, but before then I had men brought to me who were almost in a state of collapse from over-exertion. I was informed that they had been put to task work, and that, anxious to get it over early, they had over-exerted themselves. I think this task work is still in force. I was told so on the Réunion Estate the other day.

In my letter of appointment as Medical Officer of the circle, it was stated that I should receive my instructions from the Protector of Immigrants. As a matter of fact, I learnt from my predecessor what he had been accustomed
to do before me. The following year I received Government Notice 448 of 1880, which has been my guide ever since. I cannot trace any sickness, distinctly, to Indians being employed in boiler rooms, nor have I traced any sickness to other employments on estates.

I think that a Board of three Medical Officers would be preferable to the present system of passing coolies, at the depot, previous to allotment.

There is an opinion among the planters that coolies, on being first assigned to them, seem scarcely up to the work, and that they have to go through a sort of acclimatization before they are really fit for work; I think this is so in some instances. I have not personally complained of the physique of these Indians, but I have mentioned the matter to the Protector of Immigrants: I have never been reprimanded for so doing. I have judged that the passing of the coolies, and their consequent fitness for work, rested with the depot medical officer. I have had men in my circle who have persistently refused to work, or who have schemed to avoid it, but this evil has very much decreased, owing, I believe, to a better class of men being imported. I have had undoubted cases of men refusing to work, because they have not been fit for it. I have seen Indians, newly arrived on estates, unfit for work, and in a very poor condition. These men, when brought to my notice, were not put to work but were taken to hospital. With regard to these, I have seen no self-inflicted injuries, nor am I aware of any cases of suicide among them. To my knowledge I have had no complaints of men being confined, or rations stopped, except legally. No sickness, arising from contamination of air or water by dunder pits, has shewn itself in my circle. I have seen no ill effects in my circle caused by dunder pits. We have had a very few cases of enteric fever since I have been in charge of the circle. The place is very healthy. I have not been able to directly trace any cases of enteric fever to any stench. It is difficult, in some cases, to ascertain whence the Indians really get their drinking water, and this not because they cannot get pure water, but because they do not care to go the distance to get it, and I have known instances where they could get rain water and would not use it. The trash on sugar estates in my circle is dried and stored, and such storage has had no ill-effect on health. I am not satisfied with the water; on many of the smaller estates water is obtained from small wells and from surface drainage; for instance, on Mr. Parson's estate, (Wentworth), there are two wells. At the Reunion there is a well about eight feet deep, whence they procure water.

There are undoubted cases of defilement of streams; coolies wash their bodies and clothes therein, and ordure is washed down into them. At the Reunion estate the coolies do not ease themselves near their lines: they do so within five hundred yards of their houses; eventually, that defilement must drain into the Umlaas river. My attention has never been attracted by any offensive smell arising from the river above the bridge, nor by any appearance of ordure in it. There are no habitations below that point, and the river empties itself, about a mile and a half below, into the sea and so acts as a drain.

The Umlaas and the Isipingo are both tidal rivers. In the Isipingo river the reflux is undoubtedly sufficient to detain any offensive matter that may be washed into it, but not so in the Umlaas.

I have scarcely seen any cases of hematuria among the
coollys in my charge. I am not aware that any complaint has been made against me for refusing to visit the sick. I have had to visit Indians in their houses or estates, and I have had difficulty in getting at the sick men on my visits. There have been cases of unreported sickness among the Indians on my visits to estates, but, on enquiry, I have found that in some of these instances the Indians have not reported their sickness to their employer. I know of no death or serious illness caused by wrong diagnosis on the part of the planter. I have seen no cases of severe illness caused by amateur doctoring on the part of planters. I have no estate hospital. I have found that the buildings set apart as estate hospitals, with the exception of the Reunion Estate, were used for other purposes, such as storing goods; there was never proper attendance, and I could never rely upon my orders, with regard to diet and physic, being carried out; every case, which I consider as requiring treatment and dieting, is now sent to the Central hospital. Cases not requiring dieting I treat on estates, such Indians remaining in their own huts: there are scarcely any such cases.

When I left this morning, I had only two men and one child in the Central hospital. I believe that the wives of men in hospital have complained to the Protector, that they do not get rations when their husbands are in hospital; this being the case, I certainly do not approve of trivial cases being admitted to the Central hospital, if estate hospitals could be satisfactorily worked.

With regard to obtaining medicines at cost price from the Central hospitals, I am in favor of it. I think that the free Indians do not get enough and proper medical attendance; as an instance of this, I know of a case where a hospital compounder was in a chemist's shop, a free Indian came in for medicine, he was given some, the compounder asked the chemist if he knew what the man was complaining of, the answer was "he wants opening medicine," the compounder, who understood what the man said, explained that the man was complaining of dysentery. There must be many instances similar to this. I cannot say whether the medicine was administered or not. The name of the compounder was Dougherty; I do not remember the name of the chemist. I propose that the Central hospitals be also dispensaries for the districts. I think also that every free Indian, coming into a district should give his name at the centre of the circle, and, if possible, the locality in which he intends to reside; free Indians should be encouraged to pay some small sum per mensem to create a sick fund. This scheme would have to be elaborated hereafter.

I have found that Indians, particularly Madrassees, object to going into hospital; I have traced this objection in some cases to the idea that they would certainly die, and, in other cases, to an idea of being bewitched: this is a tradition.

I do not think that caste has entirely disappeared; it is not, of course, observed to its full extent.

If an Indian refuses to go into hospital, the employer can fine him one shilling and stop his rations as an absentee. The medical officer has no power; in fact, I would define the functions of a medical officer, in the present state of things, to consist of visiting estates at certain periods and attending the central hospital, where he has no power to enforce his orders.
As to contagious diseases, small-pox for example, of course I should isolate such cases as much as possible, but I am unaware of any legal control under which I myself or the planter could deal with those cases. I have no control in cases of venereal disease or in any other cases. An Indian is free to leave, or to return to, the Central hospital as he pleases. Power should be vested in the medical officer to retain all cases in the hospital as he may think desirable and necessary. Under the present regulations estate hospitals are unworkable; firstly, because hospitals on estates at a distance of, say, twenty miles or so, would require more frequent attendance on the part of the medical officer than is now possible; and, secondly, because of difficulties as to diet, attendance, &c., as already stated.

The boils and ulcers, from which many Indians suffer on first arriving, may possibly arise from the same causes which induce the Natal sores in the European. Perhaps the unwholesome meal may have some connection with it. I have undoubtedly had cases of diarrhœa and dyspepsia, attributable to a mealie meal diet.

Venereal disease is always prevalent among the Indians in my circle, but very few cases, comparatively, come for medical treatment. It is common, in answer to the question, "Have you had the venereal disease?" for the Indian to state that he has got medicine somewhere else. That man has probably propagated the disease on the estate largely. I repeat that neither the medical officer nor the employer has power to compel Indians suffering from venereal disease, or from any other disease, to submit themselves for treatment.

I have no power to hold post mortem examinations in cases of death, without the consent of the relatives, and this in nearly every case they refuse to give. I had a case, some years ago, of death under suspicious circumstances, and I have also heard of other cases. In my case, I made a post mortem examination and sent the stomach for examination; but I heard no more at all the case. I took upon myself to do this. The coolies were very troublesome and noisy in consequence of my doing it; I am told that I had no power to do it, and that I laid myself open to a legal prosecution. There is no coroner here.

I should have some difficulty in giving the death rate in my circle; previous to the erection of the Central hospital all serious cases were sent to Durban, and the railway coolies, who come and work in this circle, are also sent to Durban.

Indians seem very attached to their children and I cannot call to mind any cases of infanticide. There have been many deaths of children within a few days after their birth. These children have been of both sexes. I always inspect the corpse in these cases and give an open certificate of death; that is to say, my certificate would probably run thus, "died apparently from natural causes," and, in some cases, I would add, probably such and such a disease. I think that such a state of things is unsatisfactory in this respect, in fact disgraceful, as it opens the door for infanticide. I do not know many cases of still-born children. I doubt if all cases of still-born children are reported even to the manager.

Vaccination is regularly practised amongst the Indians; the children are vaccinated from the age of three months. Returns are sent in, giving the age of the child, the sex, and name. There is great opposition, on the part of Madrassesees, to vaccination, still more so to matter being taken from the
arm for the purpose of vaccinating other children, and they frequently destroy the pastules to prevent this.

To my knowledge, no procuring of abortion or miscarriage is carried on amongst Indians. I know that prostitution does exist amongst them.

It would be advisable for the Medical Officer to make a thorough inspection of the condition of estates and of the coolies thereon; a sanitary report should be furnished to some competent authority.

I think it advisable, where practicable, that there should be a much more frequent and stricter attendance on estates by medical men. There is no doubt that private practice must interfere with the attendance of the doctor on coolies. Under the present system, employers may lose the services of Indians for several days, unless in cases of severe illness when they are entitled to send for the medical officer: I refer to section No. 17 of Government Notice 448, 1880.

There has been no overcrowding in my Central hospital; twelve has been the highest number of patients whom I have had in it at one time. The Réunion Estate does not, I think, furnish a larger proportion of sick than other estates, but the greater number of Indians in my circle are employed on that estate. Mr. De Pass, the owner, objected to an estate hospital, stating that the Central hospital was on his property and his Indians could be sent there. I believe there was correspondence on this subject.

There is an advantage attached to temporary, movable hospitals, inasmuch as they can be taken down and removed if necessary. No hospital diseases have yet shown themselves in the Isipingo hospital. Another reason I give against permanent hospitals is that, in case another part of the district developed greatly and a large number of coolies were directed thither, temporary hospitals could be easily moved to that part.

No ground has been set apart, as a cemetery for Indians, at the Isipingo hospital. I know of no law affecting Indian burials. A death-certificate must be obtained by Indians from a medical man, that is, the law requires it. I think that it is very possible for Indians to bury their dead without a certificate and without the death being known; not only so, but in these Indian counties contagious disease might exist and get firm hold before detection, and might only be discovered by the occurrence of an unusual number of deaths.

I have no fault to find with the fitting up of the Central hospital, except that I should prefer open fire-places or the means of heating. Poisonous drugs are not all under lock and key at the Central hospital.

In my circle, rules No. 11 to 16, inclusive, of Government Notice 448, 1880, with reference to estate hospitals, are not complied with.

I have had difficulty, as to rule 18, with reference to the removal of a patient to the Central hospital from an estate; that was not owing to any difficulty thrown in the way by the employer, but to reluctance on the part of the Indian.

I have no complaint to make with reference to section No. 28.
Occasionally I am informed of an intended visit to the hospital by the Protector, at other times not. The Assistant Protector comes out sometimes.

I do not think that the Protector is a competent man to judge of the character, progress, treatment, and result of all cases which came under the care of the medical officer in the Central hospital.

As to rule No. 40, it would be preferable to define hospital accommodation by superficial area instead of by cubic feet allowance. If, by Rule No. 47, it is implied that the Protector of Immigrants is competent to judge as to right or wrong treatment, or neglect of treatment, in any medical cases, it is wrong; he certainly must be incompetent.

I think that it is necessary that a Medical Inspector be appointed as head of the medical department, and that such an officer should be one who has spent some time amongst Indians, and who is conversant with their customs and language; he should be a member of the Trust Board; his services would be very valuable in every respect.

I would suggest that there should be, on every estate, a room for the special use of the medical officer, of which he should have the key, and that he should be furnished with the name of every free and indentured Indian employed on the estate, and that a daily list of all Indians, sick or absent, should be placed in such room.

By Mr. Richardson:

I think that in my district there are twenty-seven or twenty-eight different estates. On many of these estates less than five Indians are employed, and, unless sent for, I am not called upon to visit them; but I visit all estates where the necessary number of coolies, whether free or indentured, calls for it, as often as I can. These estates, I believe, pay the necessary sum to the Medical Fund, but, I believe, several employing free Indians do not contribute to that fund, and that has been given as a reason, by those who at present pay, that they also should be excused payment.

I think that it is absolutely necessary that employers should be compelled to register their free Indians, in order that they may be medically attended.

I certainly think that men, too old to work, should not be sent to the Colony as able-bodied labourers.

I certainly do not see why latrines should not be used on estates; the inmates of the Central hospitals use them. I undoubtedly think that a system of latrines should be established generally. I would suggest camp trench latrines, to be filled in as may be necessary and fresh ones dug. I think that if one piece of ground be set apart as a latrine ground, which all the coolies on an estate are supposed to use, it would eventually become a nuisance as well as a source of disease, and would be the means of polluting streams and rivers.

There are are no regular dunger pits in my circle; the mill refuse is conveyed away by means of ditches or drains.

In my circle there are about six or seven estates where hospitals would be required, if the law were enforced.
By Mr. Saunders:

I shall do my best to supply the Commission, in writing, with such changes and alterations in the laws and regulations affecting medical matters, as I think desirable, for the use of the Commissioners.

PIETERMARITZBURG.—TWENTY-FIRST DAY.

Examination of Dr. James F. Allen, Surgeon to Grey's Hospital.

By Brigade-Surgeon Leever:

I think that there should be more accommodation, to enable me to keep coolies separate from kaffirs. The wards in which the coolies are, are, I think, too far from the main building for proper supervision to be kept up. I do not think that the present syphilitic wards are satisfactory, inasmuch as the male and female wards communicate by a door, which can be easily pushed in; but I do not know of any other arrangement which could be made at present. Under the old arrangement, when the rooms opened into the quadrangle of the hospital, the female patients used to complain about interference by the males. As yet there has been no overcrowding in the hospital, as far as Indians are concerned. I am satisfied as to the nature and amount of bedding supplied. I do not think that it is judicious that the natives and Indians should be mixed; they should be separate. I have no proper accommodation for infectious diseases. This applies to all inmates of the hospital. I have had no complaint as to dieting, except that they, the Indians, object occasionally to beef-tea and beef. I have no power to retain a patient in hospital against his will; he can come and go just as he likes. I think it very desirable that authority should be given me to retain contagious cases until cured. I should like some trustworthy person appointed to live in the building, or close to the building, occupied by the coolies, for the purpose of maintaining discipline. I do not receive any remuneration from the Trust Board for medical attendance on the coolies. I am not an officer under the Trust Board.

This hospital is, practically, a central hospital for the coolies in this district. The coolies largely make use of the dispensary here, and I treat them as out-patients, and for that treatment they pay nothing at all. The building now in use was built for the accommodation of natives. My sphere of work has been largely increased by the treatment of these coolies. I hand in report, made by me in 1883, bearing on this subject. I may state that I have no Indian interpreter, and I think that I ought to have one.

I do not think that venereal disease is more prevalent among Indians than among natives treated here. I have
had cases of leprosy amongst the Indians, and I think that there should be separate accommodation for such cases in the general wards.

I have not had much disease, amongst the Indians, arising from intemperance. I have only had one case of an Indian suffering from delirium tremens. There have been several cases of Indians injured by machinery. I have also had one case of starvation of a coolie by the employer. I reported the case to the Government, and the employer was fined £10 for a breach of the Coolie Law. I have not had cases of suicide or poisoning. I cannot say if infanticide is carried on by the Indians; but I think that abortion is produced by them—I have no accommodation for midwifery cases.

By Mr. Saunders:

I shall forward the date and particulars of the case of starvation, which I have mentioned, to the Commission.

By Mr. Richardson:

In one case an Indian refused to allow himself to be operated upon.

Examination of Mr. William Cook, Superintendant of the Central Gaol, Pietermaritzburg.

By Brigade-Surgeon Leaner:

All prisoners, sentenced to receive three months' labor and upwards, are immediately inspected by the District Surgeon, previous to being put to hard labour. Prisoners sentenced up to three months are placed at hard labour without being inspected by the doctor. I may, however, state that in the latter case the turnkey enquires of the prisoners, on the morning after their admission, if there is anyone who wishes to see the doctor. If anyone comes to me and complains that he is unfit for hard work, I do not put him to such hard work until I have seen the doctor.

I know of no instance of any man here being injured through hard labour.

Examination of Dr. James Hyslop, Resident Surgeon of the Lunatic Asylum.

By Brigade-Surgeon Leaner:

We have thirteen Indians at present in the Asylum. I am not quite satisfied with the accommodation afforded for these men. The accommodation is as good as it can be, until the Asylum is completed.
The Indians lie on a cemented floor, with cocoa-nut matting and woollen blankets to lie on: they have no bedsteads.

I think that we have a sufficient number of attendants; there are no Indian attendants, with the exception of a coolie gardener. We have a cook, who at present acts as interpreter to the coolies.

There has not been any serious injury within the last two years, caused by inattention on the part of the attendants.

One of the coolies in the Asylum is very dangerous, and at present we keep him by himself, away from the other patients, and under the immediate charge of a kaffir attendant.

One or two of the lunatics escaped, but returned of their own accord.

The Lunatic Asylum Board inspects the Asylum, and the Deputy Protector (Mr. Manning) has visited the coolies here; he has been here quite recently; he does not apprise me of his visits.

If practicable, I think that arrangements should be made to send back Indian lunatics to India.

I think that the Asylum should have the services of a few Indian attendants, in lieu of kaffirs.

We have no special hospital accommodation. If a man be ill, we can place him in a single room, provided we have it at our disposal; if not, he is treated in the dormitory with the physically healthy men. This dormitory is practically empty during the day, as the occupants are then employed out of doors.

I have noticed that some of the Indians have been addicted to the smoking of Indian hemp, which may have induced insanity.

The last Indian sent here admitted that he had been in a Lunatic Asylum twice in India, before coming here. That man’s name was Verasammy, and he was indentured to Mr. Risley of Camperdown.

By Mr. Saunders:

The proportion of Indian lunatics in the Asylum to the Indian population in the Colony is exceedingly small, so far as I am able to judge.

HOWICK—TWENTY-SECOND DAY.

Examination of Mr. James Turner, of Allertborpe.

By the Chairman:

I employ Indian immigrant laborers. I employ four men and a woman, indentured, and a boy and a woman who are
free, having served their time with me and remained on. The indentured woman lives with one of the indentured men. When it suits her she does work. I give her full rations, when she works, and at least half rations when she does not work. For the first time I have now cut down the rations to half, as she is not working. I have been in the habit of giving the woman full rations whether in the house or out of it, but, finding that she was able to work and that she would not turn out, I have stopped half of the rations. The free boy and woman became free about a year ago. I have had several bad coolies, with whom I could not get on; I have had to transfer them. They were pilferers, and disagreed with the other coolies. I have several times complained to the Deputy Protector of the filthy condition of some of the coolies allotted to me, and I have also complained of the physical condition of some of them; they were suffering from venereal disorders; I speak of both men and women, especially the latter. They were in this condition when I got them, and I had to send them to the doctor, not more than two or three weeks after their arrival. This was over four years ago; I have not had to complain since. The last batch was quite clean. I had three men in the last batch; I hope that I will not get any more women.

I have nothing particularly to bring to the notice of the Commissioners with reference to the office of the Protector of Immigrants; his deputy used to visit my estate regularly, but he has not done so for the last six months. I do not think that it is desirable that the Protector of Immigrants should sit on the bench as a magistrate in coolie cases.

I wish to draw the attention of the Commissioners to the question of absconding. I think that it is wrong that the masters should have to bear the expense of having their absconding coolies returned to them. I have suffered several times in this way, having had to pay the expenses of such coolies from Durban; they had gone to the Protector of Immigrants on account of their own quarrels. I speak of men who have gone to complain to the Protector, not against me, but against each other, and, when they have returned, they have brought a list of expenses incurred in returning them, which the Protector asked me to pay. I refused to pay, but I was informed that I would have to pay, so I did; in one case I paid 17s. 6d., and in the other 19s. 6d., I think.

I do not think that the punishments, which the law provides, are sufficiently severe. I do not think that the punishment for unlawful absence from work, now provided by the law, is sufficient. If I had my say, I should double the stoppage of pay; I would be satisfied with that. In the case of desertion, I think that a coolie, if caught, should be severely punished by imprisonment. I have a coolie, who deserted four years ago and I cannot get hold of him; I have paid four annual instalments for him, although he has not worked more than twelve months altogether; the Protector has applied for the fifth instalment and I have refused to pay it, and it is still unpaid. There is one indentured child about five years of age and a boy about thirteen, who both go daily, to be taught, to the gate-keeper on the railway; the little boy goes down during the day time, and the bigger boy in the evening when his work is done.

I think that it is a great shame that we should have to pay a shilling a head to the medical fund for each coolie, because I think, firstly, that the coolies, who receive sufficient wages, should pay the medical fees themselves, and,
secondly, because I provide medicine at home, and, thirdly, because we never see a doctor on the farm unless we specially send for him. The doctor does not pay periodical visits to my estate, and I think that he should. Further, whenever we send a sick coolie to the doctor, we cannot get anything for less than 5 shillings; that is the lowest charge at which we can get even a bottle of medicine, and at the same time perhaps we have the very same medicine in the house which costs only a few pence, such as Epsom salts. There should be a Central hospital, as I believe there is at Howick—it is only now being erected, I think, because each employer in this district has so few coolies. I am satisfied with the division of this medical circle.

There are many natural streams on my land, which is about 2,200 acres in extent. On one side is, as boundary, the Umgeni, and on the other side the Lion’s River forms the boundary. I have not noticed any unpleasant consequences resulting from the habits of the coolies. There is no latrine for them, but they go where they please. If a latrine were erected, I cannot say whether or not they would object to use it. The coolies on arrival use water after emptying themselves; but, after they have been here a short time, they lose that habit. I speak from my own experience and personal observation, and I have noticed this with every batch. I do not know whether such change of custom would be a reason why they would take to the use of latrines.

I am perfectly satisfied with the way in which the Deputy Protector of Immigrants has treated me.

I would rather have kaffir labourers than coolies, because they are cheaper; that is, if I could obtain a sufficient number. Another reason is that you have less trouble with them than with coolies.

I say that time-expired Indians should be compelled to re-indenture, firstly, because the money we pay to the Government is too much for five years. I would not confine the compulsory re-indenture to the same master; it is very often better that coolies, after serving their five years under indenture, should have a new master, because they get more information and learn more by changing their masters.

I complain that the instalments should be raised by as much as ten shillings in case of the very same coolies, suddenly, and without my being consulted.

I would not be inclined to prohibit the sale of intoxicating liquors to Indians, as I do not find that Indians are specially addicted to drinking here. I know of no instances of Indians acting as go-between, that is, between the canteen-keeper and the native.

By Brigade-Surgeon Lower:

Dr. Mengeshausen is the Medical Officer in charge here at present; he keeps a chemist’s shop. I think that it would be of advantage to planters to be able to obtain their medicines, at cost price, from the Cottage hospital. The bottle of medicine referred to was a pint bottle; it generally contained a quinine mixture, as far as I can tell. I am aware that quinine is a very expensive medicine. I would not expect the doctor to come to my house and dispense my private medicines, but I think that he might tell me what to give: there might be risk in this, but I do not think that there would be. I believe that the doctor is obliged to visit
my estate at certain times, but it is six months since he was last on my estate to attend to the Indians. I employ only four coolies. I think myself that I am entitled to a visit from the doctor, as he goes his rounds. I live six miles from the doctor’s residence.

Whilst the husband is in hospital, his wife gets her full rations, if she works, but only half if she does not.

I have had no deaths amongst my Indians, excepting that of a child: it was a few days old. The doctor did not see this child when it was sick; I did not send for him. The child was broken out with sores and gradually pined away. I have reason to suppose that the mother had been affected with venereal disease, as I had previously sent her to the doctor for treatment for that disease. In this case I gave the death-report, written out by himself, to the Deputy Protector; there was no doctor’s death-certificate. I attributed the death to those sores. The Deputy Protector was satisfied; he made no reply to my death-report, and the child was buried. There have been cases of still-born children on my estate; I allude to the woman already referred to, she had three still-born children previously to the birth of this child. I cannot say their sexes; the bodies were not inspected by the doctor. I am not aware that there were any suspicious circumstances connected with them.

I pay four shillings a month to the medical fund. When I employed more coolies, I paid more fees. I cannot say why more coolies are not employed in the upper districts of the Colony.

I have only had one boy working for me, he is about fourteen years ago. He was assigned to me about six years ago; he was mustered as a boy, and I started with him at five shillings a month. I have not had any old men, unfit for labour, assigned to me.

There is any amount of immorality amongst those Indians. I cannot assign any reason for it. Two of my women used to go regularly to the railway. I cannot say if there is an insufficiency of women sent here.

I am not apprised of the visit of the Deputy Protector. I am generally present at his visits. I have never been summoned to the Deputy Protector’s Court on account of disagreement with my coolies. I have had men who have refused to work, I sometimes take them to the Magistrate, and he orders them back to their work. I have once or twice had them fined, but they are mostly ordered back to their work.

I think that Sunday labour should be enforced more than it is. The coolies should be made to perform necessary work, such as feeding stock and doing other little duties which cannot be neglected on that day.

I have no place set apart as a latrine. I cannot say how near to the stream the coolies go for the purposes of nature. The nearest stream is about half-a-mile away from the house, the others about mile.

I have no complaints to make as to drunkenness amongst the coolies.
By Mr. Richardson:

When my coolies have gone to the Protector or Deputy Protector of Immigrants without a pass, for the purpose of lodging complaints, they have never been punished. In one instance, when the man appeared twice, without a pass, within a fortnight and made complaints, he was punished. I think that a coolie, if he makes a frivolous complaint against his master, should be punished.

On the expiry of his five years' indenture, I would make a coolie reindenture for another five years, after which I would either reindenture him or send him home to India. I would not allow these men to stay here as free men and colonists.

The doctor has never refused to come when I have sent for him. The doctor never came unless I sent for him, even when I had more than my present number of Indians.

I do not think that the employer could compel the Indians to use latrines, even if the law made the use of them compulsory.

I most decidedly think that the up-country districts should be represented on the Trust Board.

I am not certain if there are any free Indians renting land for agricultural purposes up here.

By Mr. Saunders:

I think that, after the railway system is finished, we shall be able to get sufficient Kaffir labor again, without importing it, that is to say with the aid of the Indians we already have in the Colony, and without the prospect of increasing plantations.

Examination of Mr. James Morton, of Tweedie Hall, near Howick.

By the Chairman:

I am an employer of Indians. I have thirteen indentured and two free; these numbers include women. I have four women, three indentured and one free. The other free Indian in my employ is a man who was indentured to me and who remained on with me after his time had expired: these Indians are all from Madras.

I think that the Protector of Immigrants should act as Protector in the interests of the coolie, but that he should not sit on the Bench as a magistrate in cases between master and coolie. In cases between coolies themselves, in which both the complainant and defendant are coolies, I think that the Protector should have the power which he has now, as his interests are equal between the parties, and he has more experience of coolies than the Magistrate.

I think that the up-country districts should certainly be represented on the Trust Board.
I have five coolie children on my farm. I think that the estate has a duty towards the education of coolie children, but I have not thought of any detailed scheme for that purpose. These five children are all, save one, who is a girl, too young to be educated; the girl is seven and a-half years of age, and I think she is also too young.

In cases where coolies bring their masters into court and fail in proving the charges against them, they should be punished in such a way as to prevent a repetition of such conduct; the calling away of a master to the court for a whole day amounts to a serious inconvenience.

With reference to the penalty, imposed for unlawful absence, the one shilling penalty is a trifle to the master and very easy for the coolie to pay, and I think that, in all instances, there would be no hardship in increasing the fine by one half; even then it would not, in many cases, compensate the master for the loss which he has to suffer.

I have had no cases of coolies deserting from my service to that of another, but I do complain that the Magistrate, to whom coolies go, with complaints against each other or against kaffirs in my employ, without a pass from me, does not punish them; their going away thus leads to serious inconvenience.

I think that the erection of a Cottage hospital will meet all the requirements of the case. I have had no cause of complaint against the medical officer, neither has he had cause of complaint against me.

I have not had any trouble with the Protector or Deputy Protector of Immigrants.

I should prefer that the Deputy Protector should find out complaints from coolies against their masters in some way, other than that of directly asking them, if they have complaints, in my presence.

I complain that the Deputy Protector has, on one occasion, requested me not to be present when he was examining my coolies; that was in 1881 or 1882: it was a matter in which the local Magistrate [Howick] had requested the Deputy Protector to enquire. It was a complaint made by a coolie against me, of which I cannot give the details; the Deputy Protector, after questioning the coolie, came to me and said that he believed the man had been smoking dakkas. I acceded to the request of the Deputy Protector, not to be present at the enquiry, and this is the first time I have mentioned the grievance. The Deputy Protector informed me, when so asking, that he asked me because he wished the coolie to speak the truth, and because many coolies would not speak the truth if their master were present.

I prefer the manner, in which Major Graves asked for such complaints, to that at present adopted; in Major Graves' method there was an assumption that all was correct, and he spoke to them as if all were correct; but in the present system there is a special invitation to inform the Deputy Protector of any complaint which they have against their master. Major Graves, at the same time threw no obstacles in the way of the coolies making complaints.

The indentured coolies on my farm are all located in one place, but I am going to divide them, placing one lot about four hundred yards from the other. I find that coolies defile the ground round about the place. I am sure that
coolies, after easing themselves, do not use water. I have never observed them going to a stream to wash themselves after a call of nature.

They get their drinking water from a small well (spring) near the house, from which the house-supply is taken. I will now compel them to go to a well, also a spring, about fifty yards away from the one from which they at present get their water. I shall make this change, through fear of their leaving filth there; there is a possibility of their bringing dirty vessels there, or easing themselves there, and carrying water in their tins, but I have never observed them so doing. I have never observed them bathing near this water—on Sundays they can go further away to bathe, about one hundred yards away, where are two large ponds of running water; they do not get drinking water from those ponds. I have never noticed them washing themselves in those ponds, after easing themselves there. They go, for the latter purpose, to the south-west of the house (the water being to the north-west) near to a gum and wattie plantation.

I had trouble with one lot of coolies when they first came, on account of their drinking. My kaffirs living on the farm do, as I strongly suspect, obtain liquor from Indians. I see no reason why Indians should not be under the same law as kaffirs, with respect to the sale of intoxicating liquors. I myself have thought of erecting latrines for the coolies, but my difficulty was not so much that of inducing them to use the latrines as that of keeping the latrines clean: I refer to the difficulty of removing the deposits, and to carelessness on the part of the coolies who might be told off for that removal. If I were so to tell off a coolie, I have no doubt that he would obey. I have not tried it and I do not know, as there may be some prejudices of which I am ignorant.

By Brigade-Surgeon Lever:

There is no water-course nearer than four hundred yards from the gum tree and wattie plantation. I have never seen Indians resort to this water-course except when they are working close by it, and on these occasions I think they do resort to it after a call of nature.

I am very well pleased with the Medical Officer. I have never complained about the exorbitant charges of the doctor for medicines. Dr. Mengershausen is the present medical officer. The only death among the coolies which I have had was that of a child, two days old. I cannot give the cause of death. The doctor was not called to attend to the child, nor did he inspect the body after death. No death-report was furnished. I gave notice of the death, either to the Deputy Protector or to the doctor, and I was informed by the officer, to whom I reported the death, that there was a certain formality to go through; but, as I was ignorant of it and had not conformed to it, and as the child had only lived two days, nothing more could be done in the matter.

I have had no venereal disease among the women, and very little, if any, among the men.

I think that it would be advisable that medicines should be sold to employers of Indians at cost price at the Cottage hospital.

Vaccination is carried out amongst Indian children by myself.
I think that the doctor comes round to my place about five times a year. In cases of serious illness, I send the patients to him in charge of another, that is if the patients be not able to go alone.

I have one man who is indentured and was assigned to me in February last. He is rather old, but, as he is the head of the lot of new coolies whom I have received, I make no complaint. He is about sixty years of age, and is unfit to perform a day's work. He tells me that he was seventeen years in Natal, but that he went to his country and returned indentured.

I have one boy who was mustered as a man, named Onbulu. He was assigned to me a year past June last. I think that he is fourteen years of age, but he is very small. He is, however, a good worker.

To my knowledge, there is no prostitution amongst the Indians on my place.

From my personal knowledge, I cannot speak as to the sufficiency or otherwise of the percentage of Indian women in the Colony.

Time-expired Indians should be either re-indentured or compelled to leave the Colony. They ought to have one month in which to choose their master. I do not know of any instance of a free man selling his certificate of discharge, but I have heard of such cases.

By Mr. Richardson:

I do not consider that it is a hardship on coolies to make them perform necessary Sunday work. I do not give them extra pay for such work; they take their turn, which is once in two months, when one man is required for the whole of the Sunday. They get some kind of allowance, but no special pay.

I am aware that, by law, I am only allowed to work these men nine hours a day. I do not consider this sufficient in summer, but in winter it is. Rather than be bound to this in spring, I would do without coolies altogether, as it would upset the kaffir labour so much. Even if I could get a sufficient supply of kaffir labour, I should prefer to have a mixture of kaffirs and coolies, because they cannot all combine against me and delay the work. The coolies get up very early in the morning, and that leads the kaffirs to do the same. The kaffirs and Indians, working in the same gang, agree very well; very much better than I could ever get Europeans and kaffirs to agree.

In a case where a man works for a few days in the month and is unlawfully absent for the greater part, I think that imprisonment should be inflicted.

I think, in the case of an indentured Indian deserting and going over the border and then returning, that the option of considering the contract existing or broken should lie with the master. If the master decide that the contract is broken, the coolie should be handed over to the Protector. I think that the expense of returning a deserting coolie to his employer should be borne by the coolie himself and certainly not by such employer, who has already suffered loss by the absence of such coolie.
I am not aware that it is possible for me to refuse to take Indians allotted to me; it is a question of law which is very much in favor, in these respects, of the Protector and of the coolies. I cannot say if it would be desirable to give employers the opportunity of such refusal, but it might be as well to refer these complaints to some neutral officer, who might judge, as between the employers and the Protector, whether the employers should accept the men or not.

As to section 30 of Law No. 2 of 1870, I certainly would increase the punishment; discretion should be allowed to the judge to inflict a much heavier punishment in serious cases.

By Mr. Saunders:

I find that Indians take very well to up-country work. I have got on fairly well with them; some employers, I know, have great difficulties with them. Judging from the last five years, with the exception of the last year, I do not think that we could supply ourselves with labor without the help of coolies. I find no complaint on their part because they are employed in these upper districts, rather to the contrary.

MILKWOOD KRAAL ESTATE—TWENTY-THIRD DAY.

Examination of Mr. J. R. Blamey, Manager.

By the Chairman:

I have about eighty indentured and seventy free Indians on this estate. The average daily sick is two per cent. All serious cases of sickness are sent to the Avoca Central hospital. I have not had reason to suspect foul play as to the deaths of children, who have died when only a few days old; enquiry into the circumstances is made in all cases.

There are loose women on the estate, who give trouble by going to other men. We have no, what you may call, professional loose women. All my women live with men, their so-called husbands.

I have no complaint to make against the doctor of the circle. He is very obliging and has never failed me. I think that he visits the estate often enough, and, when sent for, attends at once. It is my opinion that all the medical arrangements are satisfactory.

The drinking-water supply of the estate, which is unpolluted and abundant, is obtained from the river Pesang which runs into the Little Umhlanga river. Clothes are washed about fifty yards below the spot where the drinking water is obtained. I know that coolies go near the stream to ease themselves. I have known them to wash themselves
and then drink in the same spot. It is most difficult to stop them doing so; I do my best to prevent it. The stream, from which I obtain my drinking supply, runs down to Harrison's estate, which is much lower down: Mr. Harrison's stream runs into it.

I am much pleased with the physique of the men sent to me; they work well. One or two, when they came, were affected with the venereal disease and were sent to the Avoca central hospital. They informed me that they caught it on board ship. They were passed by Dr. Bonnar. I did not pay for these men's subsistence in the Central hospital, and the Protector of Immigrants did not insist on my doing so. I reported, to the Protector, Dr. Bonnar's action in sending these men to me when they were suffering venereally. Cockies mix up so much that there was every chance of the disease spreading among the others on the estate.

I complain that boys have been sent to me to be mustered as men. I have to give them easy work.

On the first arrival of Indians in the Colony they get eruptions of the skin. I attribute this to change of climate and not to the food or water. I have known some of the men arrive so affected.

Every death here is verified by the doctor.

I know of no instances of kaffirs having been treated in the coolie hospital.

A few, the so-called married men, suffered from the venereal disease; when questioned, they said that they caught it at the Central Mill, when visiting.

I have had no cases of men objecting to work on account of caste prejudices. My coolies do not object to Sunday work in a small way, or on emergency.

I wish to bring to the notice of the Commissioners a case in which an indentured coolie had absented himself from service for over a month, three days over. He was taken before Mr. Titren, who is the Magistrate at Verulam. The Magistrate said that he could not punish the man, as he had a pass from the Protector of Immigrants, and said that the master could only deduct twelve shillings for the month's wages in January. It was pointed out to the Magistrate that this man had earned no wages and that there was nothing due to him to deduct from. He said that he was sorry, but such was the law. He informed the master that, for the three days' absence in February, he would be able to deduct the sum of three shillings from the wages he might be entitled to during that month, that is if he liked to work during the month. This case was on the Sacebarine Estate; no appeal was made from the judgment given by the Magistrate. The master's name was Du Bois. My opinion is that the man should have been punished by imprisonment with or without spare diet, according to circumstances.

I believe that there is a common fund among coolies to which all pay, and out of which the fines inflicted by the Magistrates are met. As far as I know, there has been no appeal made in any such cases. I would have appealed. The Magistrate said that he had the reading of the law from the Attorney-General.

There are fifteen or twenty little boys on the estate, who are under ten years of age or thereabouts. They do not
work in the field, but do light work, such as cutting grass, &c: I give them half-pay.

In case of fraudulent misconduct or wilful damage to a master's property by a coolie, I would give him increased punishment, up to three months hard labour.

With reference to the medical question, we are supposed to pay a sum of one shilling a month on free Indians. I stopped doing this, as I found that others did not do so. I believe that, if everybody paid, it would bring down the medical rate to sixpence. I consider that plasters, practically, pay for domestic servants and for men employed by merchants in places such as Durban, and who do not pay anything to the medical fund or for the cost of importation; but they have the power to send a coolie to hospital at one shilling per diem, and under the same advantages as I could. I prefer keeping up my estate hospital, although I am so near the Central hospital. I have a man in charge of it.

On the termination of a coolie's five years' indenture, he should be compelled to reindenture for a further period or else to leave the colony. I think that the present state of affairs, which allows free Indians to remain in the colony, would in time swamp the struggling white man, and would make this an Asiatic colony. If the Indian Government should object or refuse to sanction such a provision in a law to compel the reindenture or return to India, I would not stop coolie immigration.

I would prohibit the supply of drink to coolies, and put them under the same restraint as the kaffirs, because the coolies supply the kaffirs with liquor. Being on the main road, I see instances of natives being drunk, and I know very well that they are supplied with liquor by Indians. I really have not much to complain of with reference to the drunkenness of my own men.

It is my opinion that the only reliable source of labour, for our agricultural pursuits in the Colony, is the coolie. No dependence is to be placed on kaffirs. We cannot force them to work. I prefer kaffir labour for ploughing and for ex work.

REDCLIFFE ESTATE.—TWENTY-FOURTH DAY.

Examination of Mr. H. Trevor.

By the Chairman:

There are one or two prostitutes on this estate.

With respect to the compulsory return of Indians, I think that they should serve under indenture for ten years, and that they should only then be entitled to return with a free passage.
The sale of intoxicating liquors to immigrant Indians should not be prohibited.

It is my opinion that doctors should be paid better, and that they should devote the whole of their attention to the Indians.

On this estate (Redcliffe) about nine hundred gallons of dunder daily run into the dunder pit.

There is no estate hospital on the place, but drugs are kept. All serious cases are sent to Verulam, any slight cases are treated on the spot. The doctor, as a rule, visits once a week. I have no complaint against the doctor.

I have great complaints against the medical system.

Desertion is, I think, a very important point and should be more severely punished.

HILL-HEAD ESTATE.

Examination of Mr. Aristide de R. Labistour.

By the Chairman:

There are three hundred, or three hundred and fifty gallons, of dunder, per diem, discharged from the distillery when working. The dunder is put into a cask and thrown on to bagasse-heaps in different places, to form manure.

As to the vacuum-pan water, the fascine system is in operation, and the same water is used for eight or ten days, after which it is collected in a cement-lined tank, from which it is carried to the cane fields, and, as the quantity is comparatively small, it causes no bad smell.

There are a few prostitutes on the estate; they are chiefly women from amongst the new arrivals.

There is no hospital on this estate; all serious cases are sent to Verulam.
EQUEEFA ESTATE.—THIRTIETH DAY.

Examination of Sonnab.

I am wife of Puttising. I complain that, when my husband was in hospital, I had no one to look after my children, and I could not work, and therefore I had no rations. (See notes and observations, Equeefa Estate).

Examination of Munissani.

I am a leper, and am eighteen years old. I am living with my family in the ecolie lines. I was born in India. It is about eight years since I arrived in the Colony. I was Mr. Turton's kitchen boy before I became very bad. (See notes and observations, Equeefa Estate).

Examination of Roodobasing.

I am an indentured Indian. The water in the stream (into which the discharge from the vacuum-pump dam enters) is all bad. The rations are not good, the corn is not good. I have no other complaints. From this corn, bread cannot be made; when eaten it makes me inclined to vomit. From eating this corn I gripes and diarrhea. (See notes and observations, Equeefa Estate).

Examination of Juggermundan.

I complain about my leg. (See notes and observations, Equeefa Estate).

Examination of Sengan.

I have no money to go to the Coast. I am sick.

(See notes and observations, Equeefa Estate.)

Examination of Dalich.

I am an indentured Indian. I am suffering from gonorrhoea. I complain that the doctor writes that medicine should be given to me, but Mr. Turton gives me a little and it is bad medicine. If we get very sick and go to hospital, we die. The manager will not give us money to buy good medicine. The doctor gives us good medicine; the doctor's medicine is very good, but Mr. Turton's medicine is very bad. I did not get medicine for three days, although ordered by the doctor. Mr. Turton gave me a pill. That is all I have to say.

(See notes and observations, Equeefa Estate.)
Examination of Ramkistan.

I do not get the medicine as ordered by the Medical Officer. I am treated in the estate hospital.

(See notes and observations, Equeeefa Estate.)

Examination of Ramlah, indentured Indian, No. 11.

I am suffering from fits.

(See notes and observations, Equeeefa Estate.)

Examination of Ramkishum.

I complain of sore throat.

(See notes and observations, Equeeefa Estate.)

EQUEEEFA ESTATE—THIRTY-FIRST DAY.

Examination of Dr. W. P. Tarrton, Indian Medical Officer, Umnzinto.

By the Chairman:

I was present yesterday when the Commissioners went over the estate. I saw the wells which the Commissioners examined. I was not present when the stream was examined, above the place where the discharged water from the dam enters. I saw the water drawn from those wells. I am not in a position to give an opinion, as to the quality of the water drawn from the wells, without analysis: to the eye the water appeared fairly good. I did not taste any of it. I have no complaint to make of this well-water, as far as I saw of it.

As to the stream, it is infected with a certain parasite at different points on this estate and on Greenwood estate; that parasite is in the Umnzinto river into which this stream runs. I have traced this parasite in the urine of coolies working on this estate, and in the urine of coolies of Greenwood estate, and in that of the two children of Mr. Arbuthnot of Greenwood estate.

The coolies of this estate used to take drinking water from that stream; they have been ordered not to do so, but I cannot say whether or not they now take it from the stream.

In a former report I expressed an opinion that the presence of the parasite, bilharzia haematobia, was due to bad drinking water. I am now of a different opinion. I am of opinion now that the parasite enters the body while bathing.
I should now like the water of the spring, which is collected in the tub, to be collected in a large tank on the same level as the barracks, to which tank the water should be conveyed by an iron pipe. I am not in a position to state that the water so supplied would be sufficient for the consumption of the coolies. As to the other wells, I would not recommend them to be filled up, if the water on analysis prove to be good, and if, by some arrangement, the surface drainage into them can be prevented.

As to the stream, I have seen excreta close to it and on all sides. As to the coolie lines, the interiors are clean enough, but the exterior might be kept in better order and the rubbish should be cleared away. As a doctor, I do not consider that it is a good sanitary condition to have rotting vegetable matter near to the huts.

I formerly complained of the open "reservoir," in which was collected the duders and mill-wash. At the time of my complaint that "reservoir" was in a very bad condition, and every one was complains about it, white people as well as coolies. I was present yesterday when the members of the Commission inspected the site of that "reservoir." It is not now in the same condition as when I complained of it. It has been cleaned out and emptied, and the same stuff does not run into it. This has been done since the last crushing was finished, during the past month or six weeks. Now, I have no complaint to make about it. Yesterday, during the inspection, I saw some hard treacle matter brought and deposited there.

I think that, if that system be carried out, the refuse will be disinfected by the earth thrown over it, and that the accumulation will not be hurtful to the health of coolies. With reference to the dam, from which water is sucked up into the vacuum-pan and into which the water returns from the vacuum-pan, I think that the coolies should not bathe in it as I am informed now, I think by the engineer, that they do—from this dam the coolies sometimes carry water in buckets. I know not for what purpose; the engineer one day informed me that he had broken five buckets, in which coolies, contrary to orders, were removing water from the dam. The water has a green scum on it, I have noticed a sweet, disagreeable smell coming from this water: with reference to this smell, I do not think that it is prejudicial to the health of coolies, because their houses are too far from the dam. I think that, if people worked near the spot, inhaling this smell for hours, it would be prejudicial.

I think that it would be well that a wattle fence should be put round this dam, to prevent coolies taking water from it.

With reference to the water of the stream, after it receives the overflow water from this dam, I think that it is decidedly bad and unfit to drink. I saw it yesterday. I have seen it very much worse. Last year it was much worse. If that water went on to other estates and coolies drank it, it would be prejudicial to the health of those coolies and would cause diarrhoea. I am not in a position to state whether it does find its way to other estates; I only know that Mr. Hawksworth once did make complaint about it. He complained that the water coming to his mill, the "Eqeeefa Central," was polluted by the water coming from this estate.

I think that, when I was first here, the distillery was at work. The water was then worse than it is now. I could
not say if it was at that time that Mr. Hawksworth complained. Yesterday I heard some of the coolies complaining to the Commissioners about the mealie meal supplied to them. I inspected the meal. I tasted some of the meal and found that it was perfectly sweet. I think that the meal was coarser than usually supplied, and that it would be harder to digest. I heard some coolies making complaints yesterday to the Commissioners about various illnesses and not obtaining medicines from the Manager, but with reference to those I have nothing to state.

As to the present sick rate, it is far less since the "reservoir" has been emptied, as my hospital estate book will show. As to both the death and sick rates at present, I think that this estate compares favorably with neighbouring estates.

There has been unpleasantness between myself and the manager (Mr. Turton) of the estate. This commenced with my first annual report for 1883. It was sent in in April, 1884. I have not met with any opposition, but Mr. Turton and myself have had none but official communication with each other. I do not think that such absence of friendly communication has worked to the prejudice of the coolies. It has not, to my knowledge, caused any sick coolie to be neglected. I, personally, have no complaint to make against the Manager of the estate, as to the arrangements at the estate hospital or concerning the carrying out of instructions given by me as to sick coolies; but coolies have complained to me in the same way as they complained to the Commissioners yesterday, that they have not received medicines which have been ordered.

I say that I now see no reason why coolies should not be assigned to this as to other estates. I say this as a doctor, and I think that the coolies are well cared for on this estate.

By Brigade-Surgeon Lower:

On one occasion I had to return three days consecutively to this estate, to see cases which might have been attended to on one visit. On one occasion I was brought here specially to see a woman reported by the Manager, by letter, to be very ill, and on my arrival I found that the woman, who was reported to be sick in hospital, was not in hospital, and she was found to be in her house quite well. She told me that she had a slight headache.

Serious cases of illness have only on one occasion not been reported to me as Medical Officer. The man's name was Petumba: the man died. He had been treated on the estate for some time by Mr. Turton. He was admitted to the hospital and died two days after admission. The Manager took upon himself to treat this case, and his diagnosis was wrong.

There have been cases of enteric fever on this estate, but not more so than on other estates. If Mr. Turton's statement is correct, that he gives the patients medicines as ordered by me, I am quite satisfied. The patients have complained to me that they have not received their medicine. The contents of the present mealie meal would give rise to diarrhoea.

There is a great deal of venereal disease on the estate. I always treat these cases at the Central hospital. If a man was suffering from primary venereal disease, I have no
power by law to detain him in hospital. No man has ever left the Central hospital when suffering from venereal disease.

With respect to women, whose husbands are in hospital, and who themselves are unable to work and who consequently get no rations, I believe that they often resort to prostitution, during their husbands' absence, for the means of subsistence. I, however, also distinctly think that they do it for the love of lust.

On the occasion of a large number of men complaining that they were passing blood with their urine, many of them passed a few drops on leaves and shewed me that it contained blood. I got specimens of urine from some five or six men, had them brought to my house in bottles, and I made microscopic examinations and found the parasite, bilharzia hæmatobia. I have seen Indians squatting in the stream below the spot where the overflow from the dam enters. I do not think that this parasite originated in the vacuum-pau water. My opinion is that the disease was originally brought from India, and that the stream was infected by the coolie or coolies, who brought it, by micturating in the water or on the banks of the stream.

By Mr. Richardson:

I do not consider that the water from the mill roof, unless filtered, would be drinkable.

The men suffering from the bilharzia hæmatobia resided chiefly along the main road. It was very difficult to know where the men, so affected, obtained their drinking water: they said that they drank all over the estate, when out working. I have seen the coolies bathing, chiefly in the wattercourse below one of the wells which the Commissioners inspected yesterday, and below the dam. I have not noticed anyone bathing higher up the stream, as I rarely go that way. There are bad smells more or less about all sugar mills.

I do not think that it would be possible altogether to do away with these bad smells.

From my knowledge of coolies, I think that they would not resort to latrines, unless compelled to do so. It would, I think, be impossible to compel them to use latrines.

If the coolies were to boil the mealie-meal for porridge, it would be harmless, but, cooked as they cook it, for cakes, it would be hurtful, as I have said.

By the Chairman:

Until my visit with the Protector of Immigrants I was not aware of the existence of the spring, from which the water is collected in the tub. I had not noticed the tub as I rode along the road, as it was overgrown with reeds.

I do not think that the coolies could be compelled to go to latrines at night time, if the latrines were at a distance from their huts: my experience is in connection with the Central hospital. At the Central hospital we supply bed-pans, in case of need at night. We supplied these, as it were in self-defence, as previously they used to go and ease themselves in the front verandah.
By Brigade-Surgeon Lever:

My experience is that at the Central hospital the coolies defecate at night. The fact that they are under medical treatment may account for this. As to the habits of coolies on estates, on my complaining of the amount of feces around the huts on one estate, the coolies alleged that they had done it at night. At the Central hospital I find that coolies constantly ease themselves in the grass, outside the latrine, instead of inside.

I base my opinion, as to a system of latrines being unworkable, on the fact that coolies are in the habit of easing themselves outside their huts at night.

Examination of Mr. J. H. Turner, Manager of the Equeefa Estate.

By the Chairman:

I was appointed Manager of this estate in the year 1878. I have been Manager of sugar estates ever since sugar-cane has been grown in Natal, for five and twenty years.

The exact number of indentured Indian men, at present on this estate, is two hundred and four. I cannot give the number of women and children forming the families of those two hundred and four men. The number of free Indian men working on the estate is eighty, and, inclusive of boys, one hundred and twelve. I cannot give the number of the women and children forming the families of those free Indian men. I give four hundred and fifty as the total number of Indian immigrant souls on this estate.

I was present yesterday when the members of the Commission went round the estate. I saw the members of the Commission inspect all the wells from which the coolies obtain their drinking water, the spring from which the water is collected into a tub, and the upper portion of the stream from which the coolies obtain their drinking water. I also saw the members of the Commission inspect the stream below the spot where the vacuum-pan water is discharged into the stream, and I saw the members of the Commission inspect the vacuum-pan water dam.

I am aware that, sometime ago, doctors Bonnar and Greene inspected this estate. I never saw their report. I am not aware that, in that report, the wells are specified by numbers. Yesterday the Chairman of the Commission asked me if I could identify the wells from which the doctors obtained the water for analysis, and I replied that I did not know whence that water was taken as I had never been told. I did not go round with the doctors, as they informed me, when I went to them, that they wished to make their inspection alone, and I withdrew.

I am satisfied with the water which the coolies obtain from those wells for drinking purposes, as the coolies themselves tell me that the water is good. I yesterday heard the coolies tell the Commissioners that the water is very good. As Manager, I have not had cause to connect the prevalence of any disease on the estate with impure drinking water.

As to the parasite, bilharzia haematobia, I can say that
people all along the coast suffered from it and that I myself suffered from it when I was Manager of Clare Estate in 1867. I suffered from it from 1890 to 1867.

At that time I had not the least idea how I contracted the disease; since then I have reason to think, with Doctor Tritton, that the disease is contracted while bathing. I ceased to suffer from it when I discontinued bathing in the open stream. I have not seen coolies bathing in the open stream. I have not seen coolies bathing in the vacuum-pan water dam; I have once or twice myself seen coolies taking water in buckets from that dam, and it has also been reported to me. In every case I strictly forbade it, insomuch as, at that time, Doctor Tritton said that the water was not fit to drink. I think that the water of the stream, for some distance below the point at which the overflow water from the vacuum-pan enters, is unfit for drinking purposes; further down the stream, and before it enters the Equeefa river, the water is, I think, perfectly fit to drink; the distance between the two points is a little over a mile. All along that distance are many reeds and rushes as well as grass, which filter the water.

This stream passes close to Mr. Hawksworth's Central factory under the name of the Equeefa, the junction of my stream with the Equeefa being close to Mr. Hawksworth's mill. Mr. Hawksworth can use water either from the Equeefa, at its junction with my stream, or from the Equeefa before it receives my stream. I am not aware that the Equeefa river is polluted in any way, but Mr. Kirkman's mill is on the Equeefa above Mr. Hawksworth's estate.

If I could see any way of improving the wells or the spring, I would be willing to carry out the improvements. I think it would be perfectly useless to fence in the vacuum-pan dam, as the coolies would take the water after it left the dam. I never notice a bad smell coming from the dam.

The coolies do not complain at all about their hospital matters.

I have frequently noticed that it is the habit of coolies to ease themselves near their huts, and I am sorry that such is the case. I gave instructions that each man or woman, going to ease himself or herself, should carry a hoe and should cover up the deposit: some have obeyed these instructions, to my own personal knowledge, as I have seen them.

As to latrines, I think that neither the Government nor private individuals could compel coolies to use them, as their caste causes them to object. I have not been to India, and I do not know that different castes have been compelled to use the same latrine. I think that there is repugnance in the mind of a coolie to ease himself in the place where another has been, and they also consider it necessary to have water with them.

The distillery is not now working and has not been working for eighteen months. All the treacle is stored in tanks underground, inside the mill, for sale, and, if not sold, we make it into manure by putting it on the manure heap, and covering it over with ashes at once. The skimmings of the battery and the sediment of the clarifiers are now filtered, and the residue is put on the manure heap; such residue is in the form of thick, hard paste, without smell. The Commissioners saw such residue yesterday, as it was put upon the manure heap; it is carried thither in the bags in which
it is filtered. Since last crushing, the whole of the manure of the season before, amounting to five thousand loads, has been carted to the cane fields; the liquid manure had been absorbed into the manure-heap, before carting. I am aware that Doctor Tritton complained of the state of that manure-heap. At that time we were distilling, and there was a large quantity of dunder in a liquid state, which, added to the washings of the mill-floor, skimmings from the battery and sediment of the chargers, resulted in the production of more liquid than could be absorbed by the quantity of dry matter available for the purpose. At that time I was not treating the residue as I do now.

I think that Dr. Tritton’s remarks were, to a certain extent, justified by the then state of this “reservoir” or dunder-pit, and I did not object to those remarks, but to the manner in which they were made, as well as to the statement made in his official report that upwards of thirty coolies were suffering from some disease of the bladder, attributable to the noxious gases evolved from the dunder-pit. (See the doctor’s report, the Protector’s letter to Mr. Roberton, and Mr. Robertson’s letter to Mr. Turton; these explain the mistake: see letter “Z.”) From the date of the letter, which I hand in (2), there has been friction between myself and the doctor.

I am not prepared now to say what we should do with the dunder, if we commenced working the distillery again. We used to make, when in full work, about three hogheads of rum per day, which would mean a daily discharge of three or four thousand gallons of dunder. I see no way now of satisfactorily storing this dunder: to remove it from the place, as it is made, would entail an expense of two or three thousand pounds and even then the difficulty would not be met. I do not think that there is any likeliness of the distillery being used.

Coolies on several occasions I have complained to me against the doctor, and I have referred them to the Protector. I think that the coolies are very comfortable in their huts.

As to the complaints about the mealie-meal, I think that they are groundless. The old contract, under which the coolies had very finely-ground meal, has just expired and we are grinding new mealies at the mill. We might grind the meal a little finer, but the mill gets hot and heats the meal, which may in consequence turn sour.

I would not introduce the latrine system unless compelled to introduce it by law, as I object to it and would not advise its use.

By Brigade-Surgeon Lewer:

I am not aware that in Durban the coolies employed on the railway, as well as in the town, and those in the city of Pietermaritzburg, make use of latrines.

Coolies complained of want of attention on the part of Doctor Tritton. Doctor Tritton has not been on the estate for weeks sometimes: thus, from January 14th to 28th, 1884, there was no visit; again from 28th January to 11th February, and from 11th February to 11th March, and from 25th March to 8th April, from 14th April to the 26th, from 14th July to 25th, from 8th August to 10th August, from 25th August to 9th September, from 28th October to 11th November, and from the 9th of December to the 23rd.
hand in a detailed statement (marked Z2). On some of the occasions when Doctor Tritton was absent, I was aware that he was engaged on official business in other directions; on other occasions, I was not aware that he was engaged with serious cases.

The man, Petumba, was unwell; I treated him myself, not knowing at the time, or thinking, that there was anything serious to warrant a call for Doctor Tritton, and, as I expected Doctor Tritton out in a day or two, I could then ask him to see the man. Doctor Tritton did come out, and, expecting him out, I said to my engineer, "Be sure, if I am not here, and tell Doctor Tritton to go and see Petumba," as I was afraid he was worse. Doctor Tritton came out. The engineer told the doctor as I had instructed him, but the doctor refused to go and see the man. The engineer then offered to send for the man in a hand barrow. The doctor would not go to the barracks to see him, where he was, but ordered Petumba, with two other men, into the Central hospital without seeing him. The doctor then rode off to Mr. Hawksworth's estate; whilst on his way to Hawksworth's he was met by some of the members of Petumba's family, who asked him to come and see Petumba; his reply was that he could not come then but that he would come on his return; he did not return. Previous to Doctor Tritton's appearance at the mill, the same day, some other members of the same family met him on the road down to our mill, and asked him to come and see Petumba; they say that he did not go. Petumba was ordered to the Central hospital by Doctor Tritton, and the man was sent to the hospital with others on the following morning. I did not see the man alive again. It is a fact that I was treating Petumba for rheumatism for some two or three days before he went into hospital. I judged that the disease was rheumatism. The doctor said that he was suffering from bronchitis, and from that disease he died. I was giving him medicine on my own responsibility. During the man's illness, Doctor Tritton visited the estate, and, when this case was brought to his notice, refused to see him. He said that he was not going to the barracks to see him. This evidence, as to what Dr. Tritton said, was obtained from the engineer. At the time Petumba was ill, the sick on the estate were collected for the doctor's inspection. We had a system of collecting the sick for the doctor, but Petumba was not brought down simply because I wished the doctor to go and see him, as he seemed to me to be getting rapidly worse. I entrusted the message, already referred to, to the engineer (Bignaux). I am not certain that this message was delivered to the doctor, as I was not there at the time, but Mr. Bignaux said that he had told the doctor as I had told him to do. I have a declaration from him, that he delivered the message to Dr. Tritton: this declaration has not been sworn to. I am aware that Dr. Tritton denies having received the message.

I have not studied, nor have I been engaged in, medical pursuits in which I could have gained medical experience. I do not think that I was incurring great responsibility in diagnosing and treating the case of Petumba, as it is required of me to treat cases every day. I dispense medicines in the estate hospital for the sick. All the instruction which I have received was during eighteen months when, as a boy, I served behind my father's counter; he was a chemist and druggist.

With reference to the complaints of Indians that they do not receive medicines, ordered by the doctor, there have been very few complaints and the doctor has made notes in the book.
I do not think that there is any danger to be apprehended from leaving two bottles of laudanum, one bottle of tincture of aconite, and one bottle of compound-tincture of bellar- 
donna on the shelf of the estate hospital dispensary; the 
doors of this dispensary is locked at night, as well as when the 
man in charge, who is a coolie, leaves it during the day.

I am very much dissatisfied with the powers given to 
masters under clause 29 of law No. 2 of 1870, with reference 
to unlawful absence.

As to my treating Petumba, I desire to add that, pre- 
viously to Dr. Tritton's appointment, Dr. Booth, his prede- 
cessor, always dispensed his own medicines. When this 
affair of Petumba cropped up, the Protector of Immigrants 
told me that I was taking upon myself the functions of a 
Medical Officer and that such was not to occur again, really 
forbidding me to give medicine to any coolie. I immediately 
wrote back to the Protector and said that the Medical 
Officer's visits were weekly by law, but that there were sick 
coolies daily in the estate hospital. Once a week, when Dr. 
Tritton visited the estate, I could dispense medicines under 
Dr. Tritton's orders, without taking upon myself the func- 
tions of the Medical Officer. On six other days in the week 
coolies are sick and require medicine. Now, if that medicine 
is to be given and those coolies are to receive attention, and 
I am not to take upon myself the functions of the Medical 
Officer, he necessarily must be sent for every day to attend 
to the sick. Otherwise, in a week's time, before the weekly 
return visit of the doctor, as there are about twenty sick 
every day, there would be one hundred in the estate hospital 
waiting for the doctor's attention.

I think that the medical system requires reorganization.

By Mr. Richardson:

I consider that the old plan of the planter supplying the 
doctor is preferable to the present one, in cases of large 
estates, but not of small ones. This estate pays £120 a year 
to the Trust Board, for medical purposes.

If a man is absent for several days, we usually make 
queries as to his whereabouts. I had a case of absenteeism 
on the estate, which I brought before Mr. Gordon, the 
Magistrate. This man had been absent for several days; the 
Magistrate ruled that there was no law to touch him, 
save fining one shilling for every day he was absent: next 
day fifty men were absent, and absentees outnumbered from 
thirty to fifty daily, for at least a fortnight.

Every visit of the Protector upsets the coolies for a week 
at least, because he asks them if they have any complaints 
to make, and he sends for all the hands to be brought from 
the fields to the mill yard, no matter at what hour he 
arrives; he puts questions such as these:—" Does your 
master pay your wages," " do you get sufficient food," and 
" have you any complaints to make." The conversation 
between the Protector and Indians is carried on through an 
interpreter. Until recently, the Protector would not have 
the master present; he has told me that he did not want me 
or any of my sirdars to be present.

All women who apply for rations get them; this is on the 
understanding that, if the doctor reports that they are fit for 
work, they have to work; but some of them prefer a life of 
indolence to industry, and, if they live with any man, that
man supplies them with food as an equivalent. If the women wish to work, they are always supplied with work; there are nearly forty working now.

By Brigade-Surgeon Lewater:

As to the complaints by the coolies against the doctor, there are cases beyond my powers, and I tell the coolies to wait till the doctor comes; at such times, frequently, the doctor has not turned up as expected, and the coolies have been dissatisfied because they were not attended to. I could not name any Indian making such complaints.

By the Chairman:

I think it unfair to the large employers of coolies that the medical man should attend an estate only once a week; he attends a smaller estate, having only a smaller number of coolies, the same number of times.

UMZINTO—THIRTY-SECOND DAY.

Examination of Captain G. A. Lucas, Resident Magistrate, Alexandra County.

By the Chairman:

I have been Magistrate of Alexandra County for nine years. I entered the Civil Service in 1860; I have been Magistrate since 1860, having twice acted in Durban.

In several of my annual reports, I have commented upon the pollution of streams in this county: I said that there was pollution, that the streams were poisoned. I am still of that opinion. Three or four years ago my attention was first called to the stream, leading from the Equeefa Estate which is in charge of Mr. Turton. It appeared to me that the filth from the mill and the filth from the distillery ran into the stream and poisoned its whole course to the place where that stream joined the Umzinto River, poisoning the Umzinto River to very near to where it enters the sea.

In driving to the Equeefa Central Mill, one crossed the stream, running from Mr. Turton's estate to the Umzinto, five or six times, and on each occasion the stench really made one ill. Even at the spot, on the south coast-road, where the Umzinto crosses the road, the water was so poisoned that no animal would drink it; on one occasion my horse, though thirsty, refused to drink it—it put down its head to drink, but instantly curled up its lip. I think that the Umzinto, at the spot referred to, is not polluted by matter from Reynolds' mill; the matter from Reynolds' mill pollutes the Umzinto lower down.

Last year a dam at the Umhlonga (Reynolds' No. 2) burst, and the water therefrom polluted the Umhlonga river, which runs into the Umzinto, so much that all the fish were poisoned in the Umzinto; the fish were seen floating dead all down the stream, and the wild ducks came from all directions to feed upon them,
As to the stream running by Reynolds' mill (No. 1) near the high road and alongside it, it is perfectly pestiferous; it is not quite so bad as it was, because the mill is not working: I have almost daily knowledge of this stream.

I cross the Ifafa River and do not perceive anything wrong.

It is my opinion that this pollution of streams must be prejudicial to the health of those using their water. I one day saw a coolie take a bucket of stinking water from the Umzinto on the Greenwood estate, when the water was so filthy that a stench arose when my horse walked through it.

Whenever the distillery on the Eqeefa estate (Mr. Turton's) commences work again, the mischief will be as bad, because the dunder from the distillery is infinitely worse than the refuse from sugar. I have several times called attention to the pollution of streams, in my official reports.

As to the smoking of dakkha, there is at this present minute in the gaol here an Indian, Bholee by name, an indentured Indian, who several months ago was brought in on a charge of assaulting a woman in the magasse yard of the Nil Desperandum estate (Bazley's); the assault was a serious one, and he was sent to gaol for a fortnight. The Indian Medical Officer (Dr. Tritton) reported to me that the man was under the influence of dakkha, and he was under the impression that the prisoner was a habitual dakkha-smoker. When he first came in he appeared dazed, and in Court he broke away from the police and attacked the woman who was giving evidence against him. At the end of his sentence, he returned to his estate and in a few days committed a serious assault on the same woman; he was sent back in custody, the District Surgeon, Dr. Trevor, having certified that it was not safe to leave him at large, and now he is detained in gaol pending instructions. I am decidedly of opinion that the law should prevent the smoking of dakkha by Indian immigrants.

A case was tried by me on Friday, 13th March, 1885 (case 86), Clerk of the Peace v. Marshall. Marshall was manager of the Mary Ville estate, Ifafa. The case was one of assault, wherein the Indian assaulted (Munian Mappilai, No. 36,457) committed suicide soon after the assault; the defendant was fined sixpence. A copy of the proceedings was sent to the Protector of Immigrants. On the evidence there was no doubt that Marshall committed an assault, but of so trivial a nature that I considered that the ends of justice would be met by a nominal fine of sixpence.

The suicide occurred on the 3rd of February, 1885. It did not strike me from the evidence that the assault by Marshall caused the man to commit suicide. In this county there have been few cases of suicide amongst the Indian immigrants. I only remember two cases; in one the man appeared to have no cause for committing suicide, in the other case, which was on the Canonby estate, there was also no apparent reason for the suicide; the Indians were men, one free and the other indentured.

With reference to Mr. Marshall, I think that he is considerate to his coolies, and that he is a man to be trusted with them.

As Magistrate, I am not satisfied with the provisions now sanctioned by the law for the punishment of the offence of
being absent without leave. I illustrate the hardship of the present provisions thus—an indentured Indian obtains from his employer his rations on Saturday night, leaves the estate on the following Monday morning and works during the week for whcmsoever he pleases; he may return on the following Saturday for his rations and may repeat his offence, and yet his employer can only stop a shilling a day for each day of absence, and, if the man systematically so absent himself, there will be no fund from which the master can stop the money. Of course, the absentee coolie runs the risk of being arrested, when two miles out of the estate, for being without a pass, and he may then be punished by fourteen days' imprisonment. For simple absence from work I would stop, unless the man were really sick, the absentee's rations: for absence from the estate, if the absentee were found working elsewhere or for another master, I would punish the absentee by imprisonment at hard labour for a month, certainly not more than a month.

I would not fix any period during which prosecution for desertion should be commenced.

When an Indian servant refuses, without reasonable cause, to do the work ordered by his master, and then absents himself, he is, I consider, guilty of misconduct; but the Attorney-General rules that it is absence without leave, and he has so ruled in one of my cases (No. 137, A. Brander v. Bracherran, indentured Indian, No. 27,899).

By Mr. Richardson:

There is much drunkenness among the Madras men in this country, much more so than among the Bengalees. I do not believe in the possibility of making people sober by Act of Parliament.

I do not think that free Indians should be subject to a district pass. Free Indians do get their passes signed by me according to the law. I think practically all do.

It is my opinion that the general condition of the Indians is good, and that they are infinitely better off here than in India.

EXAMINATION OF MR. C. P. REYNOLDS.

By the Chairman:

I manage the agricultural labourers on the two estates, Umzinto No. 1 and 2. My brother superintends the machinery and the white labour department.

I think that, if care be taken by the coolies who empty the skimmings and other refuse well on the top of the manure heap and not on the sides, there would be less chance of offensive matter coming away from the heap, I do not think that, at the lower end of the roadside drain inspected by the Commissioners, there was stagnant matter from the manure heap. Higher up I did notice the presence of some of the skimmings. With reference to the lower end, I do not see any remedy, as the land to the right is a swamp. As to the upper portion, the skimmings could be caught after they leave the ash heap, and be carried back and put on the top again.
When the Commissioners visited my estate, a free Indian, not working on my estate, was in front of one of the lines. He had just been smoking dakkha, as was proved by the pipe at his side. He appeared to be insane from the effects of such smoking. There is a certain class of Indian immigrants among my men who smoke dakkha; they are almost invariably immigrants from Calcutta. There have been instances of Madras men smoking dakkha, and the Indian above referred to was a Madras man. I think that the law should provide a penalty for the possession of dakkha by Indian immigrants, and I would also punish a man found actually smoking it. I consider that the ill effects from smoking dakkha are greater than those from drinking spirits.

At No. 1 estate, where there are great facilities for obtaining intoxicating liquors, there is very little drunkenness. The coolies at No. 2 have been seen by me, carrying liquor home in bottles in baskets. I would not by law prohibit the sale of intoxicating liquor to Indians.

As to absenteeism from work, the absentee being on the estate and not really sick, I think that the law does not now provide sufficient punishment: a short term of imprisonment, with spare diet, is a desirable punishment. Many years ago such a case was so punished (Baboo Raman) by the Magistrate of this district, by mistake, and the effect was very marked and beneficial; the result was that the man has never since given any trouble.

As to absentees working for other masters, I think that the present law meets the case.

There is no intention of abandoning our fixed custom of selling our treacle; we would part with it almost for the trouble of taking it away. As to the alleged poisoning of fish by the overflowing of the dam on No. 2, Umtonto, I have no knowledge; my brother can speak of that.

When the Protector, in visiting the estate, has behaved as I think that a Protector should, when addressing both master and men concerning estate matters, the results have been so beneficial that things have worked smoothly with everyone concerned. But I can give an instance where I and all the people in authority under me were ordered to go away while the Protector was talking to the coolies, without, as he described it (as I think, impertinently), any intimidation from anybody in authority: as a result and for some time after, until I could get things right again, everything went wrong, the men defying their sirdars and setting people in authority at defiance, and then I have more men punished by the magistrate. I have more men punished within a month after one of these obnoxious visits of the Protector than for six months when he has not made a visit of that sort.

I have had coolies allotted to me, who were unfit for work. I had one man, Kistman, No. 16,396, who came to the estate from the Protector with his shoulder dislocated; the shoulder had to be reset. I had a raving lunatic sent to me, Ali, No. 19,220, who informed me, when he became sane, that he had suffered similarly in Madras. He came to the estate on September 5th, 1878; he was returned to India at our expense, and the money has never been refunded to us.

I could give other instances of remissness in the Protector's department, in allotting coolies to us. On July 15th, 1884, we had our last batch assigned to us on No. 1;
I wrote to the Protector, that he should take them back, even though we were losing their labour during the remaining period covered by the first installment. For the bad allotments I would blame the Calcutta Agent rather than the Protector of Immigrants. I had two of that batch sent back to India.

By Brigade-Surgeon Lower:

The charcoal, which we throw on the manure-heap, is formed by the fire-bars being set very wide so that large pieces of burning wood fall through them; water is thrown on them, and so the charcoal is formed. We also use the ashes from the burnt begasso. I do not think that the charcoal, made in this manner, is as good a deodorizer as charcoal made in the proper manner.

By Mr. Richardson:

There is no opportunity of refusing coolies allotted to us by the Protector. I think that the employer should have it in his power, if he can shew just cause, to refuse to take coolies allotted to him.

In cases of men, recruited from India, being unfit for agricultural labor, I would make the Agents in India responsible for a portion of the expenses incurred in connection with them.

By the Chairman:

I would keep Indian immigrants in agricultural pursuits; I would not allow them to keep stores. I think that coolies are too much protected now, and that the protection system is overdone.

EXAMINATION OF MR. F. REYNOLDS.

By the Chairman:

With reference to the alleged poisoning of the fish this year, I think in the Umbhonga river, the matter was reported to me and I made enquiries, and I found that the coolies had allowed the treacle to run into the drain instead of putting it on the manure-heap. From this drain there must have been an overflow, by reason of the heavy rains, and so the treacle found its way into the Umbhonga. I reprimanded the coolies for doing it, and took steps to prevent a repetition of the offence.

I have heard my brother's evidence and, as far as my knowledge enables me to speak, I agree with what he says.

As the Commissioners were this day driving through the Equeefa estate en route to the Equeefa Central estate, an Indian, named Moosi, indentured to the Equeefa estate, was brought to them and, being examined, spoke thus:
By the Chairman:

"I belong to the Equeefa estate. I complain of my foot, on which there is a large ulcer. It was caused by a stick running into it when I was on duty. I have been ill with it for five months, and have been three weeks in hospital. The doctor only gave me castor oil to put on the wound. Mr. Turton, the manager, orders me to work, and threatens me with imprisonment if I do not work."

This matter was investigated by the Commissioners, and the ulcer on the man's foot was examined by Brigade-Surgeon Lether, who was satisfied that the Indian had ground for complaint, and that he was unfit to do work necessitating either standing or walking. The Medical Officer of the estate was questioned on this man's condition, and he explained that he had treated the case in hospital, but that he had no power to keep him there or to compel him to go to hospital.

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EQUEEFA CENTRAL ESTATE.

Examination of Munissami.

By the Chairman:

I am an indentured Indian. I am too ill to work and my master says that I am fit to work. I have been seven days in the Central hospital and was discharged therefrom (on 25th May, 1885). I have worked since, but I am unable to do so any longer.

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Examination of Mr. W. HAWSWORTH.

By the Chairman:

I am the owner of this estate; but it is managed by my sons. There are thirty-seven indentured and seventeen free Indians employed. Some of the free Indians have leased land near the estate and are employed as day labourers only. Roughly speaking, there are about one hundred Indian souls on the estate.

I consider that treacle, as a beverage, is now worth one shilling per gallon; the selling price is, at present, not more than one penny per gallon.

The stream, which runs from the Equeefa estate and joins the Equeefa river on my estate, was greatly polluted at one time, about two years ago, by the dunder from the Equeefa distillery. Since the distillery ceased working the water has been good.
Examination of Mr. J. F. Hawksworth.

By the Chairman:

Mr. W. Hawksworth is my father. Munissami was present at roll call this morning. I saw him then, and nothing was said about him being unable to work.

(Munissami is examined by Brigade-Surgeon Lewer, who is satisfied that the man is really ill.)

MARY VILLE ESTATE — THIRTY-THIRD DAY.

Examination of Mr. C. Marshall.

By the Chairman:

I am the manager of the estate. There is at present no sugar mill below this one; Mr. Grant had one, but abandoned it some years ago.

When drinking water is scarce at my house, I get it from the same place as the coolies.

There is no trouble in getting coolies to go to hospital. I have no sick on the estate at present: the men are very healthy. The doctor says that my percentage of sick is lower than at any other estate.

The coolies suffer very little from passing blood in their urine.

There are one hundred coolies on the estate, of whom ninety-three are indentured.

I cannot read the doctor's prescriptions; they are written in pencil. I give the medicines; the doctor tells me what to give and the quantity, and how often they are to be given.

Rangammama, an Indian woman indentured to this estate, who was reported to the Commissioners as having been abducted from the Umzinto Central hospital when in a critical condition after a recent operation for ovarian tumour, is examined and states to the Chairman:—

Toplan, the head coolie at the Umzinto Central hospital, did not tell me to run away, but a wagon, belonging to a man named Thorpe, came, and I got into it of my own accord and came home. I was comfortable in hospital, but my husband saved my life by giving me medicine and good nursing. I am now in good health.
Narayanasami states to the Chairman:

Rangamm is my wife. I did not go to the Umzinto Central hospital and say to her, "Come home." She did leave the hospital and she came home, and so she saved her life. I gave her good nourishment. (See notes and observations, Mary Ville Estate.)

COWICK ESTATE.

Examination of Mr. A. Sinclair.

By the Chairman:

I am the proprietor and manager of this estate. The number of Indian immigrant men employed on the estate is 32, of whom 23 are indentured. The total number of Indian souls on the estate is 68.

I produce my wages book. (Wages books produced. The Commissioners consider that they are very unsatisfactory.)

Examination of Supershad.

By the Chairman:

I am an indentured Indian of this estate. I am twenty years old.

For the last two months I have received only one month's wages. I have not been absent during that time and I have given good work. I have had my rations. I have not been sick. Every coolie is kept a month in arrear with his wages. I want my money regularly every month. I do not get my ghee regularly, sometimes a month passes without getting my supply. Mr. Sinclair gives us olive oil instead of ghee. Ask the other indentured coolies and they will say the same.

I went to the Umzinto Court, Mr. Kirkman was Acting Magistrate, and was fined five shillings for being absent without a pass. I asked my master for a pass, but he refused it. Eleven other coolies went to the Court to complain at the same time, and were all fined five shillings each for being absent without a pass. We went to complain of not getting our wages. This was two months ago.

Please ask my master not to beat me for telling you any complaint; he has boxed my ears before. (See notes and observations, Cowick Estate.)
NIL DESPERANDUM ESTATE.

Examination of Mr. Bazley, Junior.

By the Chairman:

On this estate there are 76 Indian immigrant men, of whom 68 are indentured. The total number of Indian souls on the estate is 126, thus, 76 men, 29 women, 18 boys, all young, and 13 girls.

One man is sick to-day.

The coolie huts are on the slope of that hill, those which you see.

Drinking-water is obtained from the mill race, a diversion of the Iffafa river, the water of which works the mill machinery: its quality is good, and the supply is ample.

I show my wages-book. It is our practice to pay wages one month in arrear: the coolies do not complain.

We sell our treacle and barter it for mealies.

There is no estate hospital. I show my so-called hospital book: some entries are in pencil. Medicines and poisonous drugs are kept together, but not under lock and key.

UMZINTO—THIRTY-FOURTH DAY.

Examination of Dr. W. P. Tritton.

By the Chairman:

I am the Medical Officer of the Umzinto Indian Circle.

There is a Central Hospital at Umzinto. This is my third year of office here. I have not held a similar appointment in any other part of the Colony.

During my tenure of office no case of infanticide has been officially reported to me; but, I think that, from carelessness or ignorance on the part of parents and from other similar causes, many Indian children die, who ought not to die. Thus, as an illustration, I sometimes see children, manifestly ill and who have been ill for a week, who have not been reported to me, although I have been two or three times on the estate during the week; no report has been sent to the master. A weekly inspection of all the immigrants on an estate would stop this state of things.
I think that power should be given by law to compel the removal of prostitutes, and men and women, suffering from infectious venereal diseases, to the Central hospital.

During this year I reported to the Protector, in the usual form, the birth of a still-born child on an estate: the papers are not with me and I cannot therefore give the particulars—but the Protector returned the certificate, with a memorandum attached, to the effect that his department did not require a certificate.

As a rule there are women on estates, generally older women or women who have been prostitutes and have had children themselves, who act as midwives. If things go right, I know nothing of the birth until the child is presented for vaccination, in about three months' time.

It is the master's duty to send to the Protector certificates of the births on estates—they send them straight to the Protector, not through me: I have reason to think that they are not sent regularly. I do not think it desirable that certificates of birth should go through me; but I think that births should be reported to me on the estate, on my next visit after the birth: still-born children should be reported at once.

At Mr. Marshall's estate I am not supplied with ink to make entries in the book, which the Commissioners saw yesterday, and which is now with the Commissioners; neither have I been supplied with an official book, it is a book which I found there, which had been used by my predecessor, and so I used it. The Protector sees it and has made a remark in it; I consider that I make notes in it for my own private guidance, and I always personally dispense the medicine.

I think that the Umkomaas district is a drawback, on account of its distance, being sixteen miles from Umzinto. The Umzimkulu district is now under a separate Medical Officer.

By Brigade-Surgeon Lewer:

The Umzimkulu district was originally attached to my circle; it is one hundred and twelve miles from Umzinto, there and back.

I am satisfied with the supply of medicines and instruments in the Central hospital.

I do not think that deaths occur on estates, without being reported to me. All cases, which I have attended on estates, I have attended up to death and, therefore, I have been able to certify as to the cause of death. As to the death of Chadie's child on Mr. Hawksworth's estate on the 13th March, 1884, on receiving information of the death of that child, I wrote to Mr. Hawksworth, asking him to enquire into the case and to see if there was any suspicion of foul play or if the death had been natural; I gave him permission to bury the body in the latter case, and asked him to let me know in the former case, so that I might hold a postmortem, if necessary: I did not think that it was necessary to inspect the body.

Mr. C. Reynolds told me, two or three days ago, that a coolie woman disappeared for three days in the cane and gave birth to a child there, and that, on returning to the
estate, she did not report the matter, but stayed in her house, saying that she was ill. Some few weeks afterwards, when the cane was being cut, the body of an Indian child was found wrapped in clothes, in a decomposed state. This took place, I think, before I assumed office. If the manager had reported this illness to the Medical Officer then in charge of the estate, that officer would have discovered that the woman had recently given birth to a child, and enquiries would have been instituted. I heard that the woman afterwards ran away.

I have no suspicion of abortion having ever been procured here amongst coolies, or that premature labour has been produced.

I think that some alteration in the law as to providing medical inspection and attendance on free Indians in their settlements, is necessary. Many cases of death on these settlements have come to my notice, in which the deceased has been ill for two or three months, and has had no European medical attendance.

The average death-rate at the Central hospital, Umzinto, for the past three years, has been seven and a half per cent.; this includes men, women, and children, and those brought in dead.

Twenty-five cases of primary syphilis were treated last year, and, up to the end of June this year, there have been nineteen cases.

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CANONBY ESTATE.

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Examination of Mr. J. HEIN.

By the Chairman:

I am engineer in charge. There are twenty-eight coolies on this estate, of whom three are free.

There has been no crushing on the estate for four months. There is a distillery on the estate; but we are not working it now. The treacle has been sold to kaffirs, since we ceased to distil: I do not think that the distillery will be worked again. The dunder is run into the Umkomaas river; the smell is not bad, becomes the tide comes right into the ditch and clears out the dunder.

The drinking-water for the coolies is very good. The manager gets his water from the same place as they do.

There is not much sickness among the Indians; they do not suffer from bloody urine.

There are very few cases of venereal disease. There are a few prostitutes on the estate. Coolies, who are sick, are sent to the Umzinto hospital.
Indian School-House, Tongaat—
Thirty-Fifth Day.

Examination of Alim.

By the Chairman:

I am a free Indian, cultivating forty acres: I rent these forty acres, and I have fifty acres of my own: I also rent eleven acres at Muckle-Neuk.

I am married, but I have no children. I came to Natal as an indentured Indian; I served five years and have been free nearly six years.

I believe that some free Indians drink; some do not. I do not like to see drunken Indians. Men who drink should be punished. It is good to stop their drinking, but I speak only for myself. It would be best, were the liquor trade stopped.

The witnesses, Jhankie, Dookdam, Ramburn-Davy, Herbut Maharaja, Goora, Bundoor, Padaret, Martin, Jubsing, Gathar, Bargabin, state to the Chairman:

We are Calcutta men, all free Indians. We are unanimously of opinion that the sale of intoxicating liquor to Indians should be prohibited. We should like our children to be taught English.

We should like a dispensary to be established, and are willing to subscribe a small sum monthly for its support. When sick we now go to Verulam and pay the doctor, and we also pay the chemist for making up his prescriptions. If a man dies suddenly, without the attendance of a doctor, the death is reported to the Magistrate before the corpse is buried. The corpse is inspected and then buried by order of the Magistrate.

We are all well off here, but, if we worked hard in India, we should also be well off there: we are not well off here, unless we work hard. Hitherto this has been a healthy country, but now there is more sickness, caused by fever which goes away and comes back again every day or two.

Some of us are happy and some are not; those who work hard are economical are happy; but those who are idle and spendthrifts are unhappy.

We have all been indentured; when we were indentured, responsibility was with our masters, and so we were well off, the master being then responsible for our food and medicine, but now we are responsible for ourselves and so are not so well off. If we are indentured for five years, our masters will look after us well and we can work hard: if we are indentured for a longer time, say ten years, the masters will be careless, and we should not work so well.

Many of us would have returned to India if we could have got a free passage at the expiration of the five years of our indentured service. After our whole ten years expired there was no ship going, and so we took land and cultivated it.
The witnesses Simran, Narayanasami, Munissami, Ramasami, Munissami, Govindan, state to the Chairman:

We are Madras men, all free Indians. We are of the same opinion as the Calcutta men, as to the sale of intoxicating liquors to Indians. It is bad to smoke dakkha or abin (bhang). We should like our children taught English. We should like a dispensary to be established; we are willing to subscribe a small sum monthly for its support. Now, when we are sick we go to Verulam for a doctor and pay him, and we also pay the chemist for making up the prescriptions. If a man dies suddenly, without the attendance of a doctor, the death is reported to a magistrate before the corpse is buried; after inspection the body is buried by order of the Magistrate.

[The Commissioners observe that two of the Madras men are drunk; the wife of one of these men is also drunk.]

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VERULAM—THIRTY-SIXTH DAY.

EXAMINATION OF MR. A. E. TEPEX, RESIDENT MAGISTRATE, VERULAM.

By the Chairman:

I was appointed magistrate in 1872 or 1873, and confirmed in 1886. I have been in Verulam since April, 1883. Since 1876 I was acting in the Umlazi Division, where I had to do with Indians. I have a great many cases in my courts, in which Indian immigrants are concerned.

The Protector of Immigrants has sat twice with me at my request, during last year. I do not think that it is advisable that the Protector of Immigrants should sit with the Resident Magistrate, because, in some cases, the prosecutions are at the instance of the Protector and he does not come to the bench with a free mind, he may be biased; this reason would cover cases in which one side is the Indian and one the other the European, and those in which both parties are Indians. I do not think that the abolition of the Protector's power of sitting with the Magistrate would, in the least degree, work to the prejudice of the Indian immigrants. If it were thought necessary that, in some cases, the Magistrate should be assisted by other persons, let him have the assistance of, say, two independent persons, such as Justices of the Peace. In the two cases to which I have referred above, I asked the Protector to sit with me, because the cases were between Europeans and Indians, and I wished that my judgment should in no way be cavilled at. I think that the Protector should appear in Court as a suitor, inasmuch as he stands to the Indians in the position of a parent. In the particular case to which I refer, there was unpleasantness at the trial by reason of the Protector being objected to, as a member of the Court, by the defendant's counsel (Mr. W. E. Shepstone); the case went in appeal. I think that, if the Protector do sit with the Magistrate, he should not have a casting vote: the Magistrate should be president in his own Court.
The gaol is under my general supervision and I am a visitor, the Magistrate's duties being defined in the rules. My verbal instructions to the doctor are that he should examine all convicted prisoners, on their admission after sentence, before they are sent to hard labour. Since the prosecution of Reynolds, a convict guard, before Mr. Justice Wrench, more strict injunctions have been given to the district-surgeon. I am not sure whether I have specially directed the attention of the keeper of the gaol to this matter; I think that I have.

As to convicted prisoners who become sick, if their illness be such that it cannot be attended to in gaol with comfort to patients, they are removed, under my orders and on the keeper's report and on the application of the District Surgeon, to the Verulam Central hospital: my authority for such action is contained in paper 211/13 from the Colonial Secretary, which directs that Indian prisoners, when ill, are to be sent to Verulam hospital and that expenses for such are to be defrayed under vote "miraculous provisions, cotton, oil, gaols." On receipt of the gaoler's report, of which he keeps a copy in his book, I forward it, with my endorsement, to the keeper of the hospital, the convicted prisoner being taken in a stretcher if unable to walk; if he can walk, he is accompanied by constables and delivered to the authorities at the hospital.

As to the custody of the convicted prisoner when in hospital, no arrangements are made; but, if he were a long-sentence prisoner, I should station constables at his bedside, if I had constables to spare, as I have done in the case of a man charged with murder and who had cut his throat, and who was still under examination—in his case I stationed a constable at his bedside night and day, this necessitating the employment of two men. If a prisoner escapes from the hospital for want of supervision by constables, I should consider that no responsibility attached to me, because I acted under the instructions contained in the paper 211/13 received from the Colonial Secretary. If the instructions to the Magistrate were that he should furnish custodians, he would, in default of such provision, be responsible for the escape of a prisoner.

I think that the Magistrate ought not to have anything to do with the gaol; visitors ought to be appointed to see that the gaol is properly managed, independently of the Magistrate, one of the objects of appointing visitors being to act as a check on the Magistrate.

Proper provision, that is hospital accommodation, should be made and provided in the gaol itself, in order to obviate the necessity of removing sick Indian convicts from the gaol premises. I visit the gaol, as a visitor, once a week, but I am frequently in and out of the gaol during the week on different days and at different hours: I note my official visits in the visitors' book.

I have received circular letter, dated August 23rd, 1884, with certain instructions; attached to the circular are certain instructions from the Attorney-General. I think that the administration of justice should not, in any way, be interfered with. The laws are made by the Legislature, the Magistrate is the officer appointed for the administration of the law, and, in the event of any misapprehension of the meaning or intention of the law, the Supreme Court should set the Magistrate right.

I think that clause, No. 29, of Law No. 2 of 1870, is
inadequate to deal with offences of absence from work, insomuch as the employers are only able to charge one shilling a day for each day's absence; but, in the event of a laborer absenting himself for thirty days, as he is in the receipt of only fourteen shillings per month, I fail to see in what way his offence can be met by the provision of this clause, the fund, created by his labor, being manifestly incapable of meeting the fine provided for thirty day's absence.

Before the receipt of the circular above referred to, my interpretation of the words "illegal absence from work" had been thus; if a laborer failed to present himself for work when the bell calling him to work rang, and failed to present himself at the work during the day, and if the master could not ascertain his whereabouts, I construed that absence as illegal absence from work. In the event of the master ascertaining that the laborer was on the estate, and that the laborer was in fit health for work, and if the laborer, receiving a specific order to do a certain thing, failed to do it, I construed that conduct as misconduct, and not as illegal absence, and I had adjudicated accordingly up to the receipt of this circular.

Now, since the receipt of the circular, all such cases are treated as illegal absences under Sec. 29, and as coming under its provisions. I was further strengthened in my present interpretation of the law by papers in a case, tried by the Magistrate of Lion's River, which were sent to me by the Protector, Mr. Mason, some months ago for my information. Since I have been set right in the understanding of the law, I treat all refusals to work as illegal absences, dealing with them under Sec. 29. I would prefer my own old interpretation of the law, as I consider that it dealt with the needs of the people.

With regard to Sec. 27 of Law No. 2 of 1870, I object to the peremptory imprisonment. I think that provision ought to be made for the infliction of a fine in cases of this kind, with the alternative of imprisonment, leaving it to the discretion of the magistrate to award the punishment merited by the offence committed. The law, as it now stands, provides for the peremptory imprisonment of men found without a pass, whether the men have been wandering for one day or for six months. I would prefer that a fine, maximum one pound, or imprisonment for two months, with or without hard labour, should be provided. Thus, the offence of a man who has only been wandering for one day could be met by a fine of a few shillings, and that of a man who has been absent from the estate for a longer period could be punished by the maximum fine or imprisonment sanctioned by the law.

In cases of aggravated or repeated offences of this nature, spare diet should be provided by law, and, in the event of a man being found to be a confirmed deserter and entirely refusing to fulfil his contract, he should be returned to India, the expenses of such return being borne by the funds of the Indian Immigration Trust Board.

I think that provision should be made for men deserting for a shorter or longer period, that there should be a distinction between desertion for more than a month and that for more than a year.

With regard to the passes given to free Indians, it should be made compulsory upon those Indians to carry the passes upon their persons, so that they could be produced at any time when demanded; the photograph of the bearer should be on the pass, as well as his number, and all criminal
convictions of the bearer should be endorsed upon the pass
by the committing Magistrate.

With regard to the cost of prosecutions in petty and
trivial criminal cases, which de\'nue the courts and which are
a source of great expenditure to Government, I am of
opinion that, in all such trivial cases wherein the complainant
has failed to prove his case, he should defray the cost there-
of and that the Crown should not be put to the expense.
That would meet those cases wherein the prosecutor with-
draws on the day of trial, after the expense attending all
the preliminary steps has been incurred by the Crown.
When a complainant, for a trivial assault, puts the Crown to
the expense of summoning witnesses, and those witnesses
ver that they know nothing of the matter and that they
can give no evidence, or if their evidence utterly fails to
support the charge, the complainant should be made to bear
the expenses incurred in the case.

With regard to the practice of Indians leaving their dis-

crict, to take their complaints to the Protector, and ignoring
their Magistrate, the Protector should not, as he now does,
proceed to take the man's deposition and send it to the Clerk
of the Peace for prosecution before the Magistrate; if that
be done, the authority of the Magistrate is slurred over in
the Indian mind. The Protector should send back the com-
plainant to the Magistrate, in order that his complaint may
be investigated through the proper channel. I think that
the Magistrate should be supreme in his district and that
complaints of this kind should only be entertained by the
Protector when the Magistrate has declined to do so.

I consider that the exercise of judicial power by the Pro-
tector, in such cases, amounts to an infringement of the
jurisdiction of the Magistrate.

I think that the Protector should have no judicial power
whatever, not even in cases of civil suits of divorce amongst
the Indians.

With regard to Indian marriages, a fruitful source of
litigation, I think that no marriages between Indian Immig-

rants should be considered as legal without the registra-
tion of such by the Protector, notwithstanding that their Indian
ceremonies have been performed.

I think that all divorces should be registered, and that
such divorces should be noted on the passes of free Indians.

I have found that many Indians, selected in India and
sent here as laborers, have been found totally unfit for the
labor for which they were imported. I have had men
brought before me who stated that they were professional
beggars and that they were quite unable to work as field
hands, that they had never done any work in their lives, and
that, notwithstanding that they gave this information to the
Agent in India, they had been pressed to come to Natal.
Others, again, stated that their refusal to work as laborers
in the field was because they were accustomed to some petty
trade and so had become unable to do the field labor required
of them here.

I fear that putting these people to labor, repugnant to
them and to which they are bound by their contract, may
be one of the causes of the frequent suicides which we have
amongst Indians. Such persons should be returned to India
at the cost of the Immigration Trust Board.
The Indians imported even as laborers appear to me to be of the lower castes, what I apprehend Pariahs would be in India, and I find the administration of justice amongst them, very difficult by reason of their untruthfulness, and very unsatisfactory to myself.

With regard to interpretation, I find that it is difficult to get one interpreter who can interpret through a case, because of the different dialects spoken by the Indian people.

I do not think that Indians are either law-abiding or industrious. I base my opinion upon the constant complaints before me of petty assaults and thefts.

As to sobriety, there are not many cases of drunkenness brought before me; but I am under the impression that most of the petty cases of assault arise out of drunkenness.

By Mr. Saunders:

With reference to dakkha-smoking by Indian immigrants, I think that the clause in the law with reference to hemp should be put in force.

I know that the change in my interpretation of Sections 29 and 30 has caused great dissatisfaction. There have been no appeals from my decisions.

By Brigade-Surgeon Lever:

In cases of removal of sick convicted prisoners to the Central hospital, I should not look upon the doctor as responsible for the safe custody of the prisoner, but I should consider the compounder and the nurses in charge responsible.

The goal is only overcrowded at times, and the times are not frequent. Certainly more accommodation, to meet the emergency of a large influx of prisoners, would be advisable, but I have not applied for increased accommodation, inasmuch as these inffuxes have not been sufficiently frequent to warrant the expenditure it would entail.

I do not approve of male and female prisoners being confined in the same portion of the prison.

I consider that it is unsatisfactory to have one set of latrines for the use of males and females. It is not an infrequent occurrence that there are female prisoners in the goal.

As to free Indians, I think that they should not be taxed for the purpose of being compulsorily attended by a medical man, because it might happen that the majority did not require the doctor's attendance. The free Indians are generally in the employ of European masters at good wages, or are their own masters, being independent farmers, and they are thus well able to provide for their own medical needs.

I do not think that the employment of Cantonment Magistrates, retired from the Indian service, would meet the difficulty of interpretation, inasmuch as all pleadings in English Courts of Justice must be in English; but it would be an advantage if the sitting Magistrate were conversant with the dialects spoken and if he possessed a knowledge of Indian habits, although I consider that a Magistrate,
ignorant of these dialects, would soon become acquainted with the habits and character of Indians.

By Mr. Richardson:

Dividing clause 30, of Law No. 2 of 1870, into petty misconducts, such as disobedience of orders and neglect of duty, to be met by a fine or imprisonment, and more serious offences, such as wilful or malicious damage of property and insubordination, I think that these latter offences should be punished by a heavier fine or imprisonment, with or without spare diet; the maximum of imprisonment in the second clause should not exceed three months.

As to expenses incurred for recovery of deserters, I think that two-thirds of those expenses should be defrayed by the deserter, and I am of that opinion because I think the law ought not only to provide a punishment but a deterrent, and the losing of his earnings would act as a deterrent on the mind of a man contemplating desertion, and would prevent his deserting.

I think that the Indian ought to make up his mind in one year, whether he will return to India or not; the three years' time is too long.

I have had one or two instances of Indians refusing to work on Sunday, but I cannot say whether they were before or after the receipt of the Government circular. I think that the law, on this point, should be amended, as far as regards household servants, grooms, herds, and such persons, whose services are as much needed on Sundays as on every day of the week: the wages of such servants should be slightly raised, for their services on Sundays. Where such complaints have been made the reason has been because men, who had entered into contract to be field laborers, have been taken by the masters and made into household servants.

I think that Indians, on the completion of their five years' indentured service, should either re-engage themselves as laborers, or should have their passage paid back to India; this would obviate the large immigration at present carried on.

Examination of Dr. S. G. Campbell.

By the Chairman:

I am the Medical Officer of the Vernam Indian Circle. I am also District Surgeon. I was appointed Medical Officer in November, 1884. I was appointed District Surgeon in December, 1883.

As to the safe custody of sick convicted prisoners, after removal from the prison to the Central hospital, I do not consider that the responsibility rests with any one in particular; at any rate I do not think that the doctor or the compounder should be held responsible.

The keeper of the Vernam gaol has informed me that it has sometimes happened that convicted prisoners have been admitted and sent to hard labor before inspection by me;
but I wish to state it can only happen when I have been called away in the night and so have been prevented visiting the gaol next morning; my absence from the gaol never exceeds twenty-four or thirty-six hours. I usually visit the gaol in the morning.

At present, the gaoler attends the sick prisoners in the gaol under my instructions, but he cannot speak the Indian languages and I think that such inability is a defect, which should be remedied by the appointment of a special constable speaking the Indian languages, who could act as interpreter for myself and for the gaoler.

I myself have difficulty with sick Indian prisoners, as I am only acquainted with a few common Indian phrases, and I am unable to enter into details when speaking with them.

I think that there should be a better inspection of Indians on estates, as it sometimes happens that persons, who were sick at the time of my visit, have not been brought before me until some days after my visit. I think that it would be well if a secrat were specially told off, to make an inspection of the coolie huts the day before my visit and to make a report to the manager as to the coolies then actually sick; what I say specially refers to the children. This plan would necessitate fixing a special day for my visit to each estate.

I have noticed, on Blackburn Central Mill Estate, that often, after the monthly issue of dholl, an epidemic of both diarrhoea and dysentery breaks out. I have noticed this on other estates also. There is no doubt, in my mind, that such cases of diarrhoea and dysentery have resulted from the improper use of dholl; the coolies themselves have told me that, having no wives to cook their food, they take it in either a raw or partly cooked condition.

I think that the water, which the coolies drink, is good. I know of no particular estate where the drinking-water is bad. I know of no stream in my district, which is so polluted as to be injurious to health. I have no reason to connect the prevalence of any disease, which may exist, to the condition of the great Umhlanga river, though I have no doubt that it is polluted to some extent.

By Brigade-Surgeon Lower:

From a sanitary point of view, I think that the present gaol at Verulam is as it ought to be, except that, at certain times, there have been too many inmates for the cell-accommodation. I have not traced any sickness to this overcrowding of prisoners, but I should think that, if the overcrowding continued for any length of time, it might have a tendency to originate disease. As regards the superficial area and cubic space, requisite for the maintenance of good health, I think that the gaol is deficient.

With reference to any man admitted with contagious disease, such as itch, I have insisted that his clothing should be washed in warm water; it is not disinfected.

I have had no cases of syphilis or gonorrhoea, contracted within the walls of the gaol from the aggregation of the sexes.

I have not traced any ill effect to the health of a prisoner, because he has been put to hard labour before inspection,
since I came to know that it is my duty to inspect prisoners before they are sent out to hard labour.

The account for convicted prisoners (1s. per day), treated in the Central hospital, is forwarded to the Magistrate, who in turn forwards it to the Government, and the money is paid by the Colonial Secretary to the Indian Immigration Trust Board. The record of rations of such prisoners is kept just as the record of the other inmates of the hospital, and is forwarded to the Protector of Immigrants as a member of the Trust Board. A duplicate is kept of all accounts sent out. The prisoner may be a free Indian, in which case two shillings a day ought to be paid instead of one shilling as at present. The shilling a day does not always cover the expenditure for diet and extras. Nothing is paid for lodging, use of bedclothes, hospital clothing, nursing, medicines, appliances, servant's attendance, fuel and light.

I have not been able to ascribe any Indian prisoner's illness or injury to the gaol régime, except in one case, that of a man, who was diseased, dying shortly after he had been chastised by his convict guard; that case was tried in Durban before Mr. Justice Wragg, and the convict guard was convicted of manslaughter. That Indian prisoner was under sentence of hard labor; he had not been inspected by me, the Medical Officer, as to his fitness to perform such hard labor. I attribute his death to organic disease, aggravated by the chastisement which he received. The prisoner had been some days in prison before his death, and he had been employed at hard labour since his admission. I was not aware that I was expected to examine him, nor was I in possession of a copy of the gaol-rules; I was not aware that such a document was in existence.

My letter of appointment from Government, appointing me District-Surgeon, enumerated certain duties which I had to perform, but said nothing of inspection of convicted prisoners before they were sent to hard labor, and this omission led me astray. The prisoners were not paraded for inspection before this case happened, only those who complained of being ill were seen by me.

I have not been able to trace any disease in the gaol to the defective latrine-accommodation.

Generally speaking, I am satisfied with the medical system on estates.

The sick coolies are paraded on estates, at estate hospitals, and are ready on my visit.

The medicines, used on estates, are purchased by the estate owners and not by the Medical Officer, but under my directions.

At times, there has been a prevalence of syphilis on an estate, usually caused by some woman who has visited Durban, or some other place, and has become infected. I have been able to trace such woman, and she has been sent to the Central hospital; some trouble has been experienced at times to make the woman go to hospital, but I have had no difficulty in keeping her when there. A case of infection by a man has happened on an estate; the man visited Durban, returned to the estate, and infected the women there.

I have had no case of syphilis propagated in the Central hospital during my term of office; but, I believe, such cases
occurred during my predecessor's time, and, from the arrangements of the male and female wards, there is great facility for communication.

I have had cases of bloody urine, caused by the bilharzia haemastobia; but there have not been many cases. I believe that the disease is fostered by the infected urine, containing the ova of the parasite, contaminating the drinking water. I have noticed that the disease is more prevalent in white people than amongst Indians, in certain localities. I think they enter the body in the drinking water. I do not think that the mode of ingress is up the urethra, during bathing in streams.

A case recently occurred on the Ottawa Estate, in which a child, several months old, died through the neglect of its mother. This is one of the reasons why I recommend that there should be some inspection on estates, in order that such cases may be reported to the estate owners. I inspected the corpse and found it in a filthy condition. It was suffering from skin disease, which I have reason to believe was due to its condition of neglect and filth. The child had been ill for some time.

I have no reason to believe that abortion is practised amongst the Indians here.

Cooees, after assignment to estates, frequently suffer from large ulcers on the legs, and frequently from diarrhoea and dysentery. I attribute these ulcers, in some cases, to the bites of ticks, subsequently irritated by scratching. I attribute the diarrhoea to the change of diet, and the dysentery to the diet and general surroundings of Indians after landing in Natal. In some cases the ulcers have been caused by chronic itch.

I have met with a few cases of dakkha-smoking. It demoralises the men, and renders them almost insane and unfit for work. I have had two cases of insanity in which both patients owned, or admitted through friends, the habit of dakkha-smoking.

By Mr. Richardson:

There are about twenty estates in my circle. It would take four half-days in each week to go round these estates. It has occasionally happened that my duties as District Surgeon have interfered with my duties as Medical Officer. I mean that my District Surgeon's duties have prevented me paying my usual weekly visit as Medical Officer to an estate. I am often called specially to estates; sometimes I visit an estate eight times in a month, and my average is, at least, fifty-two visits in the year.

STANGER PRISON—THIRTY-SEVENTH DAY.

Examination of Mr. W. A. Grundy, Gaoler.

By the Chairman:

When I come into the gaol at night the place stinks so, that I cannot bear it.
In the corner of each cell there is a urine-tub for night use: it is emptied in the morning.

There are only two guards (two natives) in the gaol. Three convict guards take the prisoners out to their daily labor.

There is a monthly average of one or two European prisoners in gaol.

In the two European cells I have had seven of the Natal Mounted Policemen at one time, four in one cell and three in the other; I had them there for a little over seventeen days.

We have had no sickness in the gaol, caused by overcrowding.

One prisoner at present is suffering from dysentery.

Dr. Jones made a report as to the cubic space and superficial area of the cells, and I believe his report was to the effect that there are insufficient.

I have reported the condition of the gaol to the Magistrate. If the prisoners have a call of nature at night, they shout for the constable, but the constables sleep in the kitchen, and, as they are so far removed from the cells, it is highly improbable that they can hear the prisoner calling.

KEARSNEY ESTATE.—THIRTY-EIGHTH DAY.

Examination of Mr. A. S. L. Hulett, Jun.

By the Chairman:

The Protector of Immigrants refused to allow an Indian on the estate, after the expiration of his five years' indenture-ship, to enter into a further written agreement for five years, although it was the wish of the Indian to do so. This refusal was given verbally during his official visit. We have taken no more steps in the matter.

The indentured coolies' wages are paid up to the end of last April; they are paid every two months at their own request, as they say they prefer it. We are about to pay them for the months of May and June.

The total number of Indian men and women working on the estate is 96, of whom 89 are indentured and 7 are free.

Berpadan and Ponnaiyah, two indentured sirdars employed
on the estate, also Abu Khan, an indentured coolie, are questioned, and state to the Chairman:—

We are well treated by our master, and at our own request our wages are paid every two months. We have no complaints to make.

THIRTY-NINTH DAY.

Evidence taken by a Committee, consisting of Brigade-Surgeon Lever and Mr. H. F. Richardson, of Estcourt.

Examination of Mr. S. W. B. Griffin, of Willow Grange, near Estcourt.

By Brigade-Surgeon Lever:

I am an employer of Indians: I have eight indentured Indian men, four women and two children at present. I have no free Indians.

I am very well satisfied with the fitness of the Indian laborers in my employ, except in one instance where a man ran away; I hear he is at the Diamond Fields, and his son, who was also lately indentured, has run away. The father went away last February twelve months, and the son went away on the 12th of May last. This boy was my shepherd: the train ran over some of the sheep, and the boy ran away on that account. I applied to the Magistrate, Mr. Paterson, and wrote to the Deputy-Protection to recover the boy; but I did not take any steps to recover the father. I received no reply to my letter to the Deputy-Protection. The Magistrate told me that he had telegraphed to several places, but the boy has never been heard of.

I think that desertion should count from the day after a man absents himself, if he is not to be found on the farm. I do not think that the present punishments for positive desertion are severe enough. I would advise corporal punishment, as coolies do not care about the fine, and going to prison is a nice little holiday for them.

I think most people prefer kaffirs to coolies up-country, if they can be got. Under the present government I do not think that the kaffirs can be made to work in a reliable way. I would suggest some coercive measure, such as heavier taxation, to make them work, and I would give to the Magistrate power to locate kaffirs on private farms for the purpose of labour.

I think the coolie supplies the kaffir with drink.

I certainly think Indians should return to India at the expiry of their indentureship, unless they reindenture for a further term of service. I would let them remain as free Indians, provided they give satisfaction and labour for six months in every twelve with a white master.
Cioolies monopolize all the trade; this, in some respects, is a good thing, as they bring to market articles which otherwise would be wasted. I would not give the Indian a permanent location in a town in which to trade, and I would forbid him a license: if they choose to travel as peddlers about the country, well and good.

When my coolies first came, they refused point-blank to work on Sunday, and I myself had to attend to my cattle. I complained to the Magistrate, Mr. Paterson, and he ruled that such necessary work, as looking after horses and cattle, must be attended to, but that actual field labour was not to be performed; this was before the appointment of the Deputy-Protector of Immigrants, Mr. Manning. When the Deputy-Protector of Immigrants came, he told me that I had better make them a small allowance for working on Sunday. I said "I could not afford to give them more than three pence or six pence for each Sunday"; for this sum they would not work, preferring to idle about the country, and I should have to do all the work myself. On this head the law should most decidedly be altered.

The Deputy-Protector of Immigrants has always visited my estate himself and has not sent a subordinate. I am present when he comes. He speaks to the coolies in Hindustani. I do not know what he says. The first time he came, he brought an interpreter. He tells me now what he says to the coolies, and sometimes he tells me what they say to him.

As a rule, after the visit of the Deputy-Protector of Immigrants, the Indians show themselves more independent, and do not show that respect which they should. I do not attribute this so much to the Deputy-Protector of Immigrants' visit as to a lawyer-like coolie whom I have.

I have been several times to the Magistrates' Court about my coolies, and the coolies have told me that they do not understand the interpreter. This interpreter was introduced from India. He is a perfect stranger.

I most decidedly think that there should be a representative from the up-country districts on the Indian Immigration Trust Board, and, if possible, he should be an up-country man of some position.

I pay the doctor myself for any sick Indians whom I have. I do not subscribe to the sick fund. There is no hospital here, neither is there an Indian Medical Officer. It is hard on me, when the coolies mangle, that I have to send for the doctor, and pay him a sovereign out of my own pocket for coming out to see them. I think that, when a doctor certifies that a man is a manger, I should be empowered to deduct that money from the man's wages.

I have one or two Indians who are inveterate dakkhasmokers, and one who is intemperate.

The native police treat coolies very brutally, and I am confident that they extort blackmail from them, under the pretence that they have committed some offence. If, however, we had Indian policemen, I think that there would be collusion and that justice would be defeated.

I have not been summoned by the Deputy-Protector of Immigrants or by the Magistrate's Court, with reference to my Indians.

I would rather pay the doctor out of my own pocket for his attendance on my Indians than subscribe to the Medical Fund.
My son, who lives on the farm adjoining mine, had five coolies assigned to him from the Durban Depot; they brought the venereal disease with them and infected my coolies. I had to take my men to the doctor, and it cost me three pounds. I think it is very hard that the employer should have to pay for sickness which the coolie has contracted through his own act.

I do not think that the Protector or Deputy-Protector should sit on the Bench as a Magistrate; the ordinary Magistrate should be sufficient.

If free Indians choose to remain in the Colony, I do not see why we should pander to their customs and ways; they should give up all caste prejudices, and should adapt their method of life to that of the Colony.

I would advise aseptic diet and imprisonment for the prevention of malingering. I do not think that dealing with them as for unlawful absence is sufficient.

I think that a man, who is suffering from the venereal disease, should be compelled to go to the hospital and be detained there until cured; he should, further, be made to pay the expenses in connection with his treatment.

When an Indian makes a frivolous complaint against his master, and the case is dismissed, then he, the Indian, should be imprisoned or fined, and in case the complainant should not appear to prosecute, as is often the case, he should be punished severely and be made to pay his master's expenses, which could be deducted from his wages by order of the Magistrate.

I think that the employer, who has the services of coolies for their second five years, should pay a fair proportion of the costs of the introduction of those coolies into Natal, and that they should not be borne entirely by the first master.

It would be advisable to make the use of latrines by Indians compulsory by law. Indians, committing a nuisance or fouling a water supply, should be punished by a Magistrate.

I think it most unfair that a master should have to bear the expense of restoring a deserter, or a man unlawfully absent, to his master; these expenses should be borne by the Indian Immigration Fund or by the man himself. I had a case, a short time ago, where an Indian used some very obscene English words before my wife; one of my sons said, "do not speak to my mother in such language"; the words were repeated, and my son gave the Indian a shove; next morning I found that the man had absconded. He turned up in Durban, got fourteen days imprisonment there for being without a pass, and Mr. Mason sent him up to me with a coolie policeman and with a demand for £1 10s. for expenses, which I paid to the Magistrate, Mr. Paterson. I told the coolie that I should deduct this sum from his wages and he was agreeable; but I have not done so yet.

I think that the coolies are exceedingly well treated up here. On Sunday they visit and receive their friends from all parts.

I complain that railway coolies are located on my lands, and that they keep a lot of dogs. These dogs worry my sheep.

I have had no deaths or suicides amongst my coolies.
By Mr. Richardson:

As a stock-farmer, I do not consider that the punishment provided by section 30 of Law No. 2 of 1870 is sufficient.

I do not think that the payment of the £10,000 out of the revenue of the Colony is fair on the non-employers of Indians. I would make the employers bear the whole expense of the introduction of coolies.

It should be made compulsory on employers to give written characters to Indians on their discharge, whether free or indentured.

I employ Indian women for light work. If they refuse to work, I do not stop their rations, but I take them to the magistrate. The magistrate generally fines them five shillings, which I have to pay and recover as I can. The punishment therefore first falls on me.

I have found that, if coolies are attended to by their masters, they work very well.

I do not consider that an Indian, by leaving the Colony and afterwards returning to his master, thereby invalidates his contract. I would, however, in such cases, give to the master the power of refusing to take the man back again into his service, and also the right to terminate the contract.

I paid the annual instalment on the Indian, Mavaram, who absconded to the Diamond Fields. This payment was made in December, 1883, and the man deserted in February, 1884; and I had again to pay an annual instalment in December, 1884, the man having been absent the whole of that time from my service. I paid £7 10s. as instalments. I protested to the Deputy-Protector of Immigrants as to the payment of this sum, but received no reply. A further amount of about 1s. 8d., as interest for overtime on £1, a portion of the same account, was demanded.

Examination of Mr. William Tipping Woods, of Stockton, near Eston.

By Brigade-Surgeon Lever:

I am a farmer. I have employed Indians for over six years. I have, at present, four indentured and two free Indians (males) and one indentured woman who deserted some months ago; she never worked regularly and used to come and go; I have had the doctor to her, she is infected with the venereal disease.

One of the men assigned to me, Ismail Baksh, was perfectly useless; he was a beggar by profession. Out of his five years he was absent three, living about kaffir kraals; he used to come back to be nursed for bed sores, and I stopped the one shilling a day out of the money he earned when he came back, not exceeding the rate of his wages per month. On the Deputy-Protector (Mr. Manning) visiting my farm and repeatedly asking the coolies, through an interpreter, in my presence, if they had any complaints, the majority of them said "No," but, after a repetition of this inquiry, Ismail Baksh crawled up and kissed the Deputy-
Protector's boots and complained that I had deducted a shilling a day for his absence. I had a verbal order from the Magistrate, Mr. Paterson, to deduct the one shilling a day. The Deputy-Protector ordered me to pay this man at once, and ordered me off my own premises, although I told him I had the Magistrate's order but not in writing.

I have not had any cookies assigned to me lately, although I have applied on two occasions. They have been refused me by the Governor's order, on the representation of the Deputy-Protector of Immigrants as well as on that of the Protector.

I have no knowledge of any subordinate of the Protector's department having at any time visited my estate; the Deputy-Protector always visited my estate himself. I am never apprised of his visits; I have not always been present on such occasions.

I have declined to be present at his visits on account of the supercilious manner in which he has treated me before my servants.

Previous to his first visit I had no difficulty with my cookies; afterwards they ran away and gave me much trouble. Previous to all this trouble about my cookies, Mr. Manning had dined with me, at one o'clock p.m., and we entered into a spirited conversation as to the cookie laws generally, and I expressed my opinion very freely. Mr. Manning replied that he did not come to make laws, but to administer them. I treated him most courteously; after dinner the cookies were paraded, and, believing that I had done perfectly right in stopping the money in Ishmail Bakhsh's case, I pointed out the law to the Deputy-Protector and told him I had a verbal order from the Magistrate to stop the pay. Mr. Manning suddenly turned upon me, in the presence of the cookies, and threatened to take them all away from me, there and then.

Indians are not employed up-country very much, because we prefer kaffir labour if it can be got, and we get bad cookies sent up here.

In the assignment of cookies I am certain that precedence is given to those employers who have the ears of the department; I give you a case in point. I saw sixty cookies, they were Calcutta men, marched out of the Depot in Durban for the Natal Land and Colonization Company, about four years ago; Mr. Mason was acting Protector of Immigrants at the time, although Major Graves was supposed to be present. All these men, without a single exception, were of splendid physique and the women were to match. The next lot were nètre, four men and two women, all from Calcutta. Two of these men were imbeciles, one had his tongue hanging out and his eyeballs revolving like a madman, another was subject to fits and should have been in the asylum; and the other two men confessed to me that they had committed manslaughter in India and were just out of prison, a portion of the sentence of one having been remitted on condition that he emigrated; Kalu was his name, and Madoo the name of the other. The women were perfectly useless. One, Mattachar, had to be carried from the railway station at Maritzburg to the Town Hill, as she could not walk; she was of a weak mind, and used to obey calls of nature involuntarily; she is dead. The doctor attended on her. I reported the death as from fever and dysentery, as the doctor told me. The report was returned by the Protector, because it was not signed by a medical man, and it was not
so signed because, there being no contract medical officer here, the medical officer wanted to be paid half-a-sovereign for giving the certificate. The other woman, Dorgia, after accessing all the white men about the place of raping her, and laying complaints before the Magistrate on charges of rape, which were dismissed, deserted; but not before all the white men, employed by me, left my employ by reason of these accusations.

As to the Deputy-Protector or Protector of Immigrants sitting as a Magistrate as well as a prosecutor, I think it a most inquisitive proceeding and one sided. The complaints of coolies should be dealt with by the Magistrate of the county, and the Protector or Deputy-Protector should only settle cases between the coolies themselves.

As many of these cases are of too trivial a nature to be brought before the Supreme Court on appeal, I think that two Magistrates and the Protector, in the instance of an appeal, should sit together to adjudicate.

I think it most essential that there should be a representa-tive from up-country on the Trust Board.

As regards the Indian interpretation here, I cannot say that it appears efficient. The interpreter, who is an Englishman, appears to miss the thread of the evidence. He is clerk to the Court and, I believe, was in the army in India. He is not mixed up in trade here, nor has he any relations connected with the law in the place.

A man should be considered a deserter directly he is absent, unless he can satisfy a Magistrate that it was his intention to return.

My opinion of the coolie as a laborer is exactly what the law chooses to make him. For example, if his master has sufficient authority to teach him his work, he makes a very good servant. But, if the master's authority is undermined by the Deputy-Protector and the present laws, by which the coolie is so much protected, should the master be driven to go to law he is quite at the mercy of the Deputy-Protector.

In the case of a runaway coolie, the only way of preventing it would be for the offender to pay all expenses, incurred in connection with his return, to his employer, the employer being primarily liable. An Indian, named Kallu, in my employ, already referred to, has run away six times and has been returned to me several times at an expense of from one pound to one pound five shillings. I ought to be able to recoup myself for this expenditure, if the coolie is unable to show sufficient cause for such desertion. The recovery of this sum is, in some instances, at the discretion of the Deputy-Protector, allowed to be recovered from the coolie. This recovery should not be at the discretion of the Deputy-Protector, but a properly-defined law should exist by which every employer should be able to recoup himself. I quote the cases of Abdul Rahman Khan and Kallu, both in my employ, and in whose cases I was mulet in the sum of £1 5s. and £1 3s. respectively. Before paying, in the case of Abdul Rahman Khan, I was informed by the Protector that he, Abdul Rahman Khan, was in gaol in Durban (this man had run away five or six times before) and that I was to send for him at the expiration of his term of imprisonment. I wrote to the Protector asking permission to stop the expenses, which I should have to incur, from Abdul Rahman Khan's wages, as he had substantiated no complaint against me as the cause of his desertion. On
the 22nd of October, 1884, the Deputy-Protector replied that the Protector had forwarded my letter to him and that he, the Deputy, declined to give an opinion as to whether I should recover the expenses from Abdul Rahman Khan or not. At this time the Deputy-Protector and myself were not on good terms, and my opinion is that, had I stopped this man's money, I could have been tried before the Deputy-Protector's Court for infringement of the law and have rendered myself liable to have all my coolies removed. All this occurred after I had complained to Mr. Bins, the Chairman of the Indian Immigration Trust Board, of Mr. Manning's conduct to me. I should have been tried under Section 21 of Law No. 2 of 1870.

It has happened to me that Indians have run away and have been absent for several months, and at last, when caught and taken before the Protector, they have made diabolical and unsupported charges against me. I wrote to the Protector and insisted on having the charges withdrawn or substantiated. I was summoned to the Magistrate's Court in Estcourt; I took seven witnesses with me to disprove the charges, the complainant never appeared, neither did the Deputy-Protector appear, and I was put to the expense of over £5. That Indian's name was Kallu. In a short time this man, Kallu, ran away again, about December 4th, 1884, and Mr. Manning, the Deputy-Protector, appeared suddenly at my house a short time after; but before his arrival I had received a letter from the Protector of Immigrants, dated 11th December, 1884, to say that, as the Deputy-Protector was in my neighbourhood, he had been wired to, to see me and explain matters with reference to the Indians, Kallu and Dorgia. The Deputy-Protector did call and interrogated the coolies, but did not find Kallu's statements substantiated. I requested him to prosecute the man for perjury, but, as the statements were not sworn to, and the man had only been cautioned, he could not be punished.

I think that the present system, by which a coolie can go and make wild statements to the Deputy-Protector and incur no punishment for making such statements, reflecting on the character of his employer, giving much trouble and causing much expense, and then failing to substantiate his charges, is absurd. These men should be punished for perjury, just as any European would be.

In the case of a coolie suffering from venereal disease, I believe that the law, properly interpreted, intends that the man himself should pay the costs of medical treatment, and not the employer. I adduce the case of Abdul Rahman Khan, who, when absent without leave, caught the venereal disease. He was apprehended and returned to me in that state; he was under the treatment of Dr. Brewitt, and I paid his expenses; this occurred in March, 1883. Whilst under treatment by Dr. Brewitt he ran away again, and went to Durban and there reported himself to the Protector of Immigrants on or about June 20th, 1883, complaining that I had not supplied him with proper medical treatment. The Protector sent him to hospital, and I had to bear all the expenses, besides incurring charges against me of not supplying medical attendance.

I think it extremely hard on an employer that he should have to pay for medical aid in the case I had lately, in which a man put back his foreskin for his own amusement and I had to pay the doctor for replacing it.

With reference to the punishment for absence without leave, in which a man has to serve two days for each one he
is absent, I wish to record that I asked the Deputy-Pro-
tector, Mr. Manning, on one occasion when he visited my
coclies, to explain to them that this law would have to be
enforced, and I said that the coclies seemed to be under the
impression that it would not be so. He replied that I could
only enforce this law with his permission, and I believe the
law allows him this discretionary power. The coclies, who
have had several interviews with Mr. Manning, have told me
that they feel quite sure that they will not have to stop
extra time for being unlawfully absent. On my telling them
that such would certainly be the case, they shake their heads
and say that the big Salib told them so.

One result of coclies visiting the Deputy-Protector's office
is that they come back thoroughly demoralized and defiant;
whether they are contaminated by hangovers about the
Deputy-Protector's Court or from others, I cannot say, but
such is the case.

I am of opinion that, considering the different requirements
of the coast and up-country districts, the terms of indenture-
ship of indentured Indians assigned to farmers, as regards
labor, should be different. For instance, as to the looking
after stock, and house duties on Sundays, Sunday labour is
absolutely necessary in a small way.

I think that a cottage hospital is very desirable up here.
I also think that infectious cases, such as venereal, should be
compulsorily removed and retained in hospital until cured.
Coclies conceal and spread this disease, and should be
punished for so doing. When we have a hospital, we can
pay the usual one shilling a head to the medical fund.

I believe that it would be easy to make contracts in India,
to bring Indians here as laborers and to remain as laborers
under a fresh contract of shorter periods. When they wish
no longer to indenture, I would return them to India. I
should give each man a month to elect whether he would
remain or not, and also permit him to choose his own
master.

I do not think that there is much intemperance among the
Indians up-country, but lots of filth and dirt.

There should be a law to punish Indians committing
nuisances or polluting water. I would advise a latrine
system. I have noticed no pollution of streams up-country;
the population is not dense enough.

I ration coclie women, whether they work or not.

I think that the Madras coclie is the best stamp of man
for the up-country districts. The Hindoo is a better man
than the Mahommedan.

I do not think that the kaffir police tyrannise over the
coclies, or that they exact blackmail from them under the
pretext of an infringement of the law.

I have had no suspicious deaths or suicides amongst my
Indians.

I have had a case or two of dakkha-smoking. The men
are rendered half-mad and useless as labourers.

It is my opinion that the kaffir harbours the coclie when
he absconds.
I think that the competition of the coolie in the labour market has quickened the kaffir, and that he, the kaffir, comes out more readily than he did. To make the kaffir work and replace the coolie, I would put a tax of ten shillings on every adult kaffir between certain ages, say over fifteen and under forty-five years. The owner of the land would have to pay for all the kaffirs residing on his land, and he, in turn, would exact it from the kaffirs. The result would be that the kaffirs would have to go to the man, who could make use of them, and would gladly pay the ten shillings. They would not remain idle on the property of absentees, under no supervision, and as a constant and growing danger to the State.

I would imprison malingerers, with spare diet and hard labour; ordinary imprisonment is mere pastime to them.

As coolies are too fond of litigation on frivolous pretences, I would make it necessary that they should deposit five shillings, which should be forfeited to the Crown if their case is dismissed. A greater part of the time of the Clerk of the Court is taken up in taking these Indian depositions.

I think the employer, who has the Indian for his first five years, can well afford to pay for his introduction to Natal and return to India; but, in doing this, the employers should have a strong voice as to how the money is expended.

The Indian hawkers have opened up a trade which was quite dormant before they came; for instance, buying skins, fowls and other articles. I would impose an increased tax on these hawkers.

I am of opinion that, if Indians are allowed to take up their residence in this Colony and indulge in trade, &c., our towns will become Eastern cities, and the white man will become the same as he has become in all semi-tropical countries, viz., in Mauritius, Malacca, Singapore, and Jamaica, where no grade of white man exists between the officials and the natives.

I think that there are only two ways open to us, either to check free Indians, or for the white man to leave this country. These Indians should not be allowed to have a locus standi in the country.

The money, expended on the importation of Indians, would have procured a splendid white population for the Colony.

Examination of MAHDOO.

By Brigade-Surgeon Leever:

I am thirty years of age. I have come from Bareilly in India. I have been four years in this Colony. I am, at present, an indentured Indian employed by Mr. W. T. Woods. I have been four years with him. I am employed in the kitchen.

My master is very kind to me, he never beats me, and I am very contented. I am sure I am speaking the truth. I am always paid my wages regularly.
When the Deputy-Protector comes, he enquires, "Have you received your wages and your rations?" He also asks if the Sahib beats me. I reply, "No, Sahib never beats me. Sahib never beats any of the coolies."

It is not true that my master ever beat any woman. That woman told lies; her name is Dorgia. The Sahib did not beat her. My master is not a hot-tempered man.

Abdul Rahman Khan was a great rascal and blackguard. Mahuda Baksh, an indentured Indian, was a good man. It is a lie that the Sahib ever put a rheim round his neck and struck him with a stick.

By Mr. Richardson:

I am very contented and happy. I like this place better than Durban. The coolies like that place because it is warmer. I prefer the up-country districts. At the end of my five years I shall remain with my master, Mr. Woods, until the termination of my ten years, and I will then go back to India.

Examination of Vrongawaloo.

By Brigade-Surgeon Leuer:

I am a free Indian. I have been in the Colony six years and eight months, and I have worked the whole time with Mr. Woods.

I get my money and rations regularly, and everything is good in Mr. Woods’s service. He has not beaten me, and I have not seen him beat others. I do not know what I shall do at the expiration of my ten years; perhaps I shall go home to India, perhaps remain. Mr. Manning, when he comes, asks me if I have got my wages and rations. I say, "I have." He does not ask me if I am beaten.

I complain that in July, 1884, I sent five pounds through my master to Mr. Mason, the Protector of Immigrants, to send to my father in Madras. The Protector sent the money to the Deputy-Protector, who said that he would send it to my father. After four months my father got the money, but he only got fifty rupees for the five pounds, instead of getting the large difference due to the low rate of exchange on India. My father should have got at least twelve rupees and four annas for every sovereign, instead of only ten rupees, as the rupee is only worth about one and sixpence to one and sevnpence.

Examination of Mahdee.

By Brigade-Surgeon Leuer:

I am twenty-three years of age. I have been seven years in Natal. I am a free Indian. I was indentured to Mr. W. T. Woods; I have always worked with him. If the
sahib beat me I would not remain with him. One day he beat me (this was when I was under indenture), because I had broken a cart, and he gave me one stroke of the whip. I told Mr. Manning when he visited the estate. Mr. Manning said, "he will not beat you any more, you will be all right."

Mr. Woods is a good master, he pays me regularly, and I get good rations; he calls to met who are lazy, and tells them to make haste.

I remember the woman, Dorgia; I heard of this woman striking the sahib's child. I did not see or hear of the woman being struck; but I saw her crying.

Examination of Mr. James De B. Bernard, of Zaaia Laager, near Estcourt.

By Mr. Richardson:

I have six indentured men and four indentured women: I have had them three years.

If we could get reliable native labor, it would be preferable to the Indian. Although I have a farm with a large supply of kaffirs, I cannot get the necessary labor, except under great pressure.

I have never had a case of unlawful absence amongst my coolies.

Every Indian, whom I have had assigned to me, except one, was unfit to work; they were all infected with the venereal disease, and were put under the care of the District Surgeon, for whose services I had to pay out of my own pocket.

I certainly think that it would be advisable to have a Cottage hospital here.

I think that necessary Sunday work such as herding, grooming, cooking, &c., should be compulsory; in fact, I was under the impression, when I made application for coolies, that I specified that Sunday labor would be performed so far as was necessary. Necessary Sunday work is done on my farm, and I have had no difficulty, neither have I had any complaints, although I do not pay anything extra.

I have an interpreter on my farm, an Indian, and I never have any mistakes or trouble with my men, because I think they understand me thoroughly through my interpreter.

In my opinion, the Indian is a laborer and should remain as a laborer as long as he is in the Colony, and, when he refuses to be a laborer, he should be returned to India.

My men are Madras coolies, and I took them on General Lloyd's suggestion; he told me that they were better than Calcutta men.

I have no power to refuse to accept men allotted to me; I think that power should be given to employers to refuse
to take coolies assigned to them, who are manifestly unfit to perform their contract as laborers: there should be a doctor's certificate to that effect. I would hold the Agents in India responsible, that good and proper men are sent here as immigrants, in the first instance, and, secondly, I would hold the Colonial Government responsible; those two authorities should bear all expenses.

With regard to education, I think that Indian children, born in this Colony, should return with their parents after the expiration of their ten years, and in this case I do not think any education would be required. With regard to children who arrive in this Colony of an age to go to school, their parents should make their own arrangements. We must remember that children, both boys and girls, are assigned as labourers, and are paid wages and receive rations at the age of ten years.

I have always rationed the women, whether they have worked or not. I think that it should be understood that, if a woman will not work, she shall not be rationed; but, at present, I think the law on this point is not explicit enough.

I think it is most unfair that an employer should have to bear all the expenses incurred in returning a deserter to his service. I would make the employer primarily liable, but would give him the power to deduct the sum, so paid, from wages which may be due heretofore to the man so deserting.

The Protector or Deputy-Protector should have no judicial powers except between Indian and Indian, certainly not as between master and servant.

As to the 30th Section of Law No. 2 of 1870, I think the punishment should be increased. I would give the Magistrate power up to twelve months imprisonment, any time passed in imprisonment to be worked out after the expiration of the five years of indenture.

I would allow no coolie to leave the Colony during his ten years industrial service, under penalty of forfeiting his return passage to India.

Examination of Mr. R. M. K. Chadwick, of Beechwood, near Estcourt.

By Brigadoon Surgeon Lower:

I employ six indentured Indians, four men and two women, on my farm. Three have served me eleven months, and three about six months.

I wish to state that I experience great inconvenience through these Indians continually representing themselves ill and unfit for work and applying for letters to the doctor for medical treatment. As a rule, the doctor finds little or nothing the matter with them; thereby I lose a day's work and have to pay the doctor, besides their rations and wages. I would suggest that, in such cases of malingering, their wages should be deducted to pay the doctor, and their day's wages should be forfeited.

I think that the woman's ration is too large, and when they mess together, both men and women, their rations are more than they require. I know of instances of their selling their rations, and I believe they buy clothes with the money.
I think the Protector and the Deputy-Protector of Immigrants, certainly, should not sit as Magistrates; they should act only as Protectors, settling small complaints summarily between masters and coolies, when visiting estates and farms.

I think that the Indian should be allowed to remain in the Colony as a free man, if he wishes, provided that he is prohibited from entering into trade or possessing land: he should remain as a labourer simply.

Examination of Dr. James B. Brewitt, of Estcourt.

By Brigade-Surgeon Lewer:

I am District-Surgeon for Weenen County; the date of my appointment as such is November, 1881. I am not Indian Medical Officer.

I am sometimes called in to attend Indian patients. There is no Indian Medical Officer here. These is a good deal of sickness amongst Indians, that is to say, the percentage is large. Many cases of sickness are left unattended, in the hope that the sick man man get well without sending a long instance for my services.

Venereal disease has been the principal disease among both men and women; there have also been cases of hereditary syphilis in children. The children with hereditary syphilis as a rule die; but this depends a good deal on the absence of medical treatment.

There is no hospital here at all; I think it most essential that a small hospital should be erected here for Indians.

Counting the number of Indians employed by the railway department, there is now in Estcourt, and its vicinity, a large population of these people, both free and indentured. The approximate number of indentured male Indians in Weenen County is two hundred and seven; I cannot give the number of free Indians, of whom there is a large number, and they are increasing daily. With regard to the railway, I am unable to give the number employed, as they are constantly moved up and down the line. I have hitherto attended these railway Indians in my contract made with the contractors; but this contract is now at an end.

I find that chest affections are prevalent up here among the Indians, caused by the cold.

I have had no deaths occurring under suspicious circumstances. There has been one attempted suicide; he was an indentured Indian, a boy of weak intellect, he cut his throat, but is at work again. I believe the motive was that he disliked some work to which he had been put; I do not know his name, the Magistrate dealt with the case.

I think that prostitution is practised to a very great extent among the Indians, and it must be so, as is proved by the great prevalence of venereal disease amongst both men
and women. I have been called by employers to examine a
batch of newly-assigned Indians and have examined both
men and women and found them free of disease; but, after
a short time, I found many of them with the venereal disease.
The employers say that a short time after their arrival they
make friends and spend their holidays with them and come
back diseased.

I have had no cases of infanticide. I remember three
cases of newly-born children dying within a few days of
their birth. In two cases I knew the parents to be infected
with syphilis, and the immediate cause of death was debility
from syphilitic infection; in the third case the child died
from inanition, I did not suspect foul play.

I did not know of any case in which abortion or miscarriage
has been produced.

In all cases of death its cause has been verified by me,
except in one case, and in that instance, which was the death
of a child about four years of age, the parents lived at a very
long distance and I was obliged to give my opinion of the
cause of death from what I was told by the employer: it
was impossible that I could go the distance.

I always supply the necessary medicines, and charge the
employer for them.

The only way of stamping out the venereal disease is to
compulsorily remove the individual affected to a hospital, and
to keep him there until the doctor certifies that he is cured.
For this the law should provide. I am further of opinion
that, when syphilis exists on a farm, both men and women
should be examined. I believe that nearly all, if not all, the
women are prostitutes, and their so-called marriages a myth,
as women live with one man for a few weeks, and then go
to another. Therefore, there would be no undue interference
in their domestic relations in carrying out such examination,
and I have never known any of these women objecting to be
examined.

Vaccination of Indians is not properly carried out in this
county. The employers may themselves vaccinate a few,
but, for the last four years, I do not think that I have
vaccinated half a dozen. I have not had one case of small-
pox amongst them.

I do not know of any source of pollution of rivers in this
county, except the filthy habits of the Indians in obeying
calls of nature and in washing their persons in the nearest
watercourse. The defeces of Indians and kaffirs are washed
into the streams by the rain.

I complain that my services are not requested early
enough in many cases of sickness, and in one instance death
resulted from the delay, I have reason to believe.

Among free Indians, who are in business for them-
selves, sickness may exist to a large extent, and I should be
altogether ignorant of it; for instance, smallpox might be
present amongst them. There is no medical supervision
exercised amongst free Indians; they are free agents. The
premises of these free Indians are in a very unsanitary state,
filth, rubbish, and ordure being in the vicinity of their
houses.

As District-Surgeon I have to visit the gaol. The percent-
age of Indian prisoners there is, and has been, very low,
The gaol may be crowded for a day or two, but, as a rule, there is plenty of room and the ventilation is satisfactory.

There is a good hospital, consisting of three rooms, in which the sick are separated from the healthy; there is no nurse, this is a want much felt. I have had to make use of a white prisoner to do the nursing.

I think it very desirable that a latrine for the Indians should be established on all farms, and more especially in the village of Estcourt on account of the crowding; but these latrines should be properly supervised and emptied regularly.

Up here I think it would be impossible to visit the Indians on farms weekly, as the distances are too great. I could travel more than sixty miles before coming to the boundary of the county, in two directions.

I have never seen a case of hematuria caused by the bilharzia hematuria in a coolie, man, woman, or child.

I believe the number of coolies smoking dakkha is very limited; from experience, I can only mention two or three cases; two cases I am sure of, and, in both, the men were nearly worthless. They were weak physically and mentally. Amongst the natives of Natal the habit is very prevalent and cannot be too strongly condemned. Since I have been District Surgeon in Weenen County, I have examined three natives reported by their friends to be insane. I have found them, at first, very excitable and wandering in giving answers to questions. On learning that the patients were addicted to smoking dakkha, I have requested that they might remain under observation for some days until the effects of the dakkha-fumes could pass away, and in all three cases the men have become perfectly rational.

This practice leads many into committing criminal acts, and it ought, if it be possible, to be stopped by law. If it cannot be stopped, some good might be done by imposing a heavy tax on the article. In this way, I believe, that many would be made to give up the habit, more especially the young boys.

By Mr. Richardson:

I have found Indians, on arrival here from the Durban Depot and newly-assigned, suffering from the venereal disease. I have also found newly-assigned Indians, on arrival from the Durban Depot, suffering from itch.

There are a few cases of venereal disease amongst kaffirs.

No cases of ill-treatment of Indians, by their employers, have been brought to my notice. I remember the case of Abdul Rahman Khan, who was indentured to Mr. Wm. T. Woods, of Stockton, and who ran away to Durban whilst under my treatment. He was not suffering from syphilis, but from an abrasion on his private parts: his case was a trivial one, and there was nothing in it to make him run away on that account.

I remember the case of a coolie in Mr. Wood's employment, who retracted his foreskin and could not get it forward again; Mr. Woods paid me my fee for the necessary attendance on this man.

I have occasionally seen a case of a newly-assigned coolie, who was physically unfit for the work of a laborer.
I think that, if the percentage of women were increased, immorality would not be so great and that disease would not be so rife.

From my knowledge of the Indians, I think they are well treated by their employers and it has not come to my notice that any exception can be made to this statement on any farm whatever in this district.

I know for a fact that on one farm, I refer to that of Mr. W. T. Woods, men who have been indentured to him have, on becoming free, returned to his service of their own accord.

My services were never requested for any member of Mr. Wood's family, on account of an injury, the result of an assault by an Indian woman.

FORTIETH DAY.

Examination of Mr. Peter Paterson, Resident Magistrate, Estcourt.

By Brigade-Surgeon Leuer:

I was appointed a Magistrate in the year 1872. I have been Magistrate at Estcourt since March 22nd, 1875. I was Magistrate in the Inanda Division before I came here.

I have had a good many cases in my Court in which both indentured and free Indians have been concerned. The principal offences have been absence without leave and desertion, and, amongst themselves, petty quarrels and thefts.

It is in the power of the Clerk of the Peace to decline to prosecute, unless there is some corroborative evidence in support of the man's complaint.

I think that in Indian cases, when the charge is preferred either against an European or another Indian, the complainant should be called upon to deposit a sufficient amount to cover expenses, which amount should be forfeited to the Crown if the complaint proves to be frivolous and if the case he dismissed.

The Deputy-Protector or Protector of Immigrants has never sat with me on the Bench. I do not think it advisable that an officer, occupying a position which makes him more or less the advocate of one side, should adjudicate in any case, especially as he has a casting vote. If he did sit, it would be a cause of great dissatisfaction to the employers of Indians.

I do not object to the Deputy-Protector of Immigrants taking depositions from Indians who have deserted from their masters and who wish to lodge complaints against them. It is rather advantageous because, in some cases, it is a check on a false complaint, the statements subsequently made by the Indian before the Magistrate being at variance with the statements made before the Deputy-Protector.

There is no power at present, as far as I know, to punish an Indian for acting as I have stated. It is very hard on
masters to be brought from considerable distances to my Court, to answer frivolous and false charges. I would give option to the Magistrate, in such cases, to require the complainant to make a reasonable allowance to his master for his loss of time and trouble.

The charges against Mr. W. T. Woods by his Indians were, for the most part, frivolous.

Mr. Wood's manner, being somewhat noisy, intimidates his Indian laborers; but, I am of opinion that he does not really ill-use his coolies.

I think, from what I know, that he is quite fit to be entrusted with Indians.

As far as Hindostani is concerned, I am satisfied with my interpreter, and I have no complaints from Indians as to his interpretation in that language: he knows nothing of Tamil or Telegu. My interpreter is required to find Tamil and Telegu interpretation, if necessary.

I think the Protector's Department should decide all civil suits of divorce amongst Indians, more especially as the members of that department can go about amongst the Indians and make necessary enquiries as to such cases or the spot, which Magistrates cannot do.

With regard to marriages amongst Indians, I think that all magistrates might be appointed marriage officers, certain rules being laid down for their guidance: what these rules should be I cannot say, as it is a large question.

There has been only one case of attempted suicide of an Indian in this County during my tenure of office: the case was that of a sickly boy of weak intellect, who had evidently been forced to work beyond his strength. He was indentured to Mr. P. R. Bloy; I took him away from his master, and placed him temporarily with Mr. Wm. Bernard, where he still is, pending his final disposal by Government.

The gaol here is under my control. It is not as a matter of course that all convicted prisoners are inspected by the Medical Officer, as to their fitness for hard labour; but any prisoner, reporting himself unwell or unfit, is retained by the gaoler pending medical inspection, and, whenever I observe any prisoner to be unwell or unfit for hard labour, I direct him to be specially brought before the Medical Officer before being sent to work.

We have had a great deal of gaol scurvy here, almost ever since I came, until the last two years, when, by providing a change of diet, a plentiful supply of vegetables, this disease has nearly died out.

I have only one Indian prisoner in gaol to-day, a woman.

I do not think photographing Indians would be any great advantage in the identification of Indians, as, if carried about, the photographs would soon be obliterated, and the same remark applies with reference to the endorsement of criminal convictions on their passes.

There is a good deal of drunkenness amongst free Indians, chiefly amongst those who have been brought up in the Mauritius; but not much amongst indentured Indians has come to my notice.
I have had a few cases in gaol here of Indians suffering from the effects of dakkha-smoking; but I do not think that the vice exists to such an extent in this district as to require special regulations for its suppression.

I think a stop should be put to the truck system, to this extent, that no employer should supply any articles to his coolies on credit. The system does exist and has been the cause of a great deal of trouble in my court in adjudicating on accounts between servants and masters, and it leads to quarrelling and disputes between employers and coolies, and to desertion.

I think it most desirable to prohibit the sale of intoxicating liquors to the Indians, or, at least, to place it under very stringent regulations, so that no Indian should be served with intoxicating liquor without a permit from the Protector, or Deputy-Protector, or from the Resident Magistrate of his district, with power of cancellation in case of abuse.

By Mr. Richardson:

I consider it very injudicious and detrimental to the interests of indentured Indians themselves that the power of whipping should have been abolished. There are cases of insubordination, on the part of gangs of Indians, in which a moderate whipping, administered to the ring-leaders, has a most beneficial effect on the future conduct of the gang and upon other Indians, in the neighbourhood, thereby preventing them from getting into trouble.

In cases where Indians have left their master’s employment with the evident intention of deserting, it should be within the power of the Magistrate to inflict a much heavier punishment than he at present can, viz., such punishment as is allowed under the ordinary Masters and Servants Law of the Colony.

In case of confirmed deserters, men who desert repeatedly, the Magistrate should have the power of ordering them to be sent to the public works of the Colony for a certain period, to be then returned to their master.

I think that when men run away from the upper districts to the Protector’s office at Durban or Pietermaritzburg, instead of coming with their complaints, as they ought to do, to the county Magistrate, they should be returned at once to the latter to be dealt with, and with any statement made by them to the Protector, taken down and forwarded with them to the Magistrate, who, being on the spot, would be able to hear both sides and see if the complaint is justified. When an Indian ignores the Magistrate of his district and goes to the Protector or Deputy-Protector, he ought to be made to recoup all expenses incurred in returning him.

With reference to Sunday labor and work after sun-down, I think that coolies should be made, if necessary, to do work absolutely essential on an up-country farm, such as looking after and feeding stock, &c.; but, for this, some extra small remuneration should be allowed, because the work on an up-country farm is totally different from that on the coast.

Crimes of wilfully-maiming stock or injuring the property of masters should be dealt with under the common law of the colony.

With reference to section 27 of Law No. 2 of 1870, which compels the Resident Magistrate to make an order for the
immediate committal to prison of any coolie immigrant absent without a pass, with hard labor for any term not exceeding fourteen days, it is too arbitrary. I think that the Magistrate should be allowed his discretion in such cases, as there may be circumstances more or less justifying such absence.

Free Indians do not bring their passes regularly to me every six months to be signed.

In the case of a man claiming his return passage, and whose pass does not show that it has been regularly presented and endorsed, I would require him to bring proof that he has not been out of the Colony during some part of the time; his free passage should not be granted without such proof.

I believe that a good deal of the goat-stealing, which prevails so much in the Colony, is attributable to the coolie hawkers, who go about buying goats from natives.

I would make the cost of a hawker's license at least five pounds, so as to reduce the numbers and shew a more respectable class of hawkers.

I think that, if Indian immigration goes on as at present, white traders and shopkeepers will be unable to make a living.

I think that, for the future, all Indians brought here as laborers should, on the termination of their contract, be required either to reindenture or to return to India.

With regard to native labor, my view is that the hut-tax should be very materially increased, but that for every certificate, produced by the head of the kraal to the Resident Magistrate at the time of tax-collection, to the effect that any member of his kraal had worked for a period of not less than six months during the past year, such certificate being signed by the employer, a reduction should be made upon the amount of the tax, say a reduction of one pound for each six month's certificate, and in proportion for longer periods of continuous service. The want of a sufficient supply of reliable labor is the chief drawback to the increase of agricultural farming in this county.

Examination of Mr. H. K. Osborn, Gaoler, E-tcourt.

By Brigade-Surgeon Lower:

I have been gaoler nearly three years. I do not know how many prisoners the gaol is built to accommodate. I have had as many as one hundred and ten prisoners at one time; that number occasioned a good deal of over-crowding.

I cannot give the average daily number of Indian prisoners during the past year, but I should say it is about five. To-day we have only one Indian prisoner, a girl, who has deserted from service: we are awaiting instructions regarding her disposal.

The water supply for drinking purposes is obtained from the Bushman's River, and is of good quality. There are no tanks for collecting roof water.

All the prisoners wash in the yard, in buckets.

Hard labour consists of working on the roads.

We have an Indian policeman at the Magistrate's Court, who interprets for Indian prisoners here.
<table>
<thead>
<tr>
<th>No.</th>
<th>Prosecutor</th>
<th>Defendant</th>
<th>Crime or Offence Charged</th>
<th>Day of Hearing</th>
<th>Judgment</th>
<th>Sentence</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>155</td>
<td>Crown</td>
<td>W. T. Woods</td>
<td>Assault upon Rahman, an indentured Indian Immigrant in Defendant's Service, on or about the 8th June, by tying a rein round his neck and beating him with a stick.</td>
<td>12th June.</td>
<td>Complaint Dismissed.</td>
<td></td>
<td>This and the following complaints, were very trifling assaults grossly exaggerated by complainants.</td>
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<tr>
<td>156</td>
<td>Crown</td>
<td>W. T. Woods</td>
<td>Assaulting one Mahadeo Barbe, an indentured Indian in Defendant's employ, by putting a rein round his neck and beating him with a stick.</td>
<td>12th June.</td>
<td>Complaint Dismissed.</td>
<td></td>
<td></td>
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<tr>
<td>275</td>
<td>W. T. Woods</td>
<td>Rahman (Indentured Indian)</td>
<td>Desertion from service on or about the 15th instant.</td>
<td>30th October.</td>
<td>Guilty.</td>
<td>14 days' imprisonment with h.1., the last 7 days on spare diet.</td>
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<tr>
<td>Case Number</td>
<td>Plaintiff</td>
<td>Defendant</td>
<td>Details</td>
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<tr>
<td>59</td>
<td>Lila (Indian Immigrant) (Free)</td>
<td>W. T. Woods</td>
<td>One month's wages due by Defendant to Complainant for services rendered on or about the month of January last.</td>
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<tr>
<td>60</td>
<td>Bhim (Free Indian)</td>
<td>W. T. Woods</td>
<td>One month's wages at 30s. for work and labour done by Complainant for Defendant on or about the month of Jan'y. last.</td>
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<tr>
<td>182</td>
<td>Crown</td>
<td>W. T. Woods</td>
<td>Contravention of Sec. 21 of Law No. 2, 1870, in that at or near to the farm &quot;Stockton,&quot; Weenen County, and between the months of June 1883 and April 1884, inclusive, he wrongfully and unlawfully neglected or refused to pay one Abdool Rahman Khan, an indentured Indian in his service, certain wages, the amount of which is unknown to the Prosecutor.</td>
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<td>14th February.</td>
<td>Judgment for Defendant.</td>
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<td>14th February.</td>
<td>Judgment for Defendant.</td>
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<td></td>
<td>5th June.</td>
<td>Case dismissed.</td>
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Although in these two cases 59 & 60, the Complainants are not legally entitled to any wages, having broken their agreements without any authority from the Court, I have asked Mr. Woods to pay Lila 12s. and Bhim 15s. for the work they have done, which he has promised to do.

Complainant failed to appear, although duly summoned, and the Acting Clerk of the Peace withdrew the charge.
PIETERMARITZBURG—FORTY-FIRST DAY.

Evidence taken by a Committee, consisting of Brigade-Surgeon Lever and Mr. H. F. Richardson.

Examination of Mr. Robert Towham, of Pietermaritzburg.

By Brigade-Surgeon Lever:

I have been in the Colony twenty-three years. I have watched the rise and progress of the importation of Indians into the Colony. I am not an employer of Indians myself. The number of the Indian population, at present in the city of Pietermaritzburg, is one thousand six hundred and seventy-one.

I believe there is only one Indian at present engaged in trade here and occupying business premises; he is a tenant and not owner of the property.

There has been a very large increase of the free Indian population in Pietermaritzburg of late years. In 1875 there were 99 free Indians in the city; in 1880 there were 754; in 1884 there were 1,571, and the increase between 1884 and 1885 has been in a considerably greater ratio.

In 1872 there were five properties occupied by Indians; these five properties were occupied at the freehold value of £450.

We had no Arabs in the city up to 1880; but, in that year, the Arab first obtained a footing in the city.

In 1875 there were seven properties rented by Indians, of the freehold value of £270; in 1880 there were ten properties of the freehold value of £2,185, and in 1885 there were thirty-five properties rented by Indians of a freehold value of £7,000.

In 1875 there was one Indian retail shop-license issued; in 1881 there were twelve retail shop-licenses, and for the year 1885 there were twenty-eight; during this year there have been one hundred and ten hawkers' licenses issued.

In 1875 there were 49 males, 26 females, 10 male children 14 female children; in 1880 there were 408 males, 155 females, 93 male children and 98 female children; in 1884 there were 845 males, 375 females, 260 male children, and 191 female children, as far as I know, all free Indians and their offspring.

If the same capital, energy, and perseverance had been used in connection with the natives within our borders, as well as the kaffirs in the outlying States, such as Zululand, Swazieland, &c., I am of opinion that we could have dis-
pensed with the Indian immigration altogether, both for the
cost and midiated purposes. My reasons for this opinion
are, the willingness of natives to work, their immense
numbers, giving opportunity of selection, and the easy
approach of their chiefs by subsidies, so as to influence them
in the direction wished. These advantages, coupled with
proper lines of communication, thorough supervision by
recognised Government Agents, stations along the line of
communication for night-resort and safety, and a careful
supervision of the natives and their property on their home-
ward journey, would, even now, result in securing for the
Colony all the labour supply required, with the great advan-
tage to trade, of the wages so earned being expended in the
Colony, instead of being exported to India by the Indians.
There would be direct benefit to the Indians themselves,
because they would be brought into closer communication
with civilization.

With reference to the railway, the advantage possessed by
the Indian over the kaffir is a certain amount of inbred
and trained habit of obedience; this, I think, arises more
from the neglect in the training of our own natives in the
past, and not from any actual incapacity in the raw material.

The Indian proper is almost pushed out as a principal by
the Arab, and has already reached the lowest level of trade
scavenger. My opinion, as to the effect upon the Colony of
the coolie and Arab competition, is that whilst, apparently,
the general public are benefitted by the lowness of prices,
the state is seriously injured, from the fact that the whole
volume of trade under those forms, that is the coolie and
Arab trade generally, is unrepenensive and does not show
twenty shillings to the pound. In support of this opinion I
would refer to the large number of insolencies, to the al-
most entire absence of dividends in those estates, and to the
impossibility, by reason of the way in which their books are
kept, of tracing their transactions.

In my opinion, the permission given to Indians, to reside
within the boroughs or towns of the colony, has a detrimental
effect upon the freehold value of property, and that permis-
sion induces among the traders themselves a sense of the
very worst type, which must become chronic, to the very
serious injury of the European population intending to make
this a residential home. From a sanitary point of view, my
opinion is that these Indians are a dangerous element to the
general health of the town; they should have a location set
apart entirely for their residence. At present, they are
allowed to put up shanties and to engage premises in every
part of the city. The Police Superintendent's report for
1884 states, "The Indian community demands a great share
of attention from the police and a rigorous enforcement of
sanitary regulations in connection with their dwellings, to
which they are by custom and intuition averse; it would
be greatly to the advantage of the European community, if
both Indians and Arabs were isolated in a location set apart
for them outside the limits of the city."

My contention is that the importation of Indians is no
longer required in this Colony, and, on that ground, I would
cancel the grant of £10,000 from the Colonial revenue. I
fail to see why the Colony as a whole should continue to
contribute, from taxation, funds for the purpose of extend-
ing an industry, which does not return to the tax-payers a
result equivalent to the money contributed.

If the importation of Indians cannot be suppressed, un-
questionably the extension of their indenture as laborers
would be a great point gained. This was intended from the first, but, on account of the laxity of those through whom the coolie labor was passing, anxious to secure at all risks a sufficient quantity of labor at the time and without looking forward to the future, this intention was allowed to slide, although, at the first, it was believed that the laborer at the expiration of his term would claim to be returned to his country, in place of which the difficulty has been to induce him to leave; this, unfortunately, was not taken hold of at once.

I am not aware that there is much distress in this city amongst time-expired Indians, at present; but I believe that, during the last season, we were within measurable distance of a very heavy and serious expense having to be incurred by the Government for the purpose of feeding and sheltering free Indians, and I have no doubt whatever that, on the very first occasion when we have dry weather throughout the summer, free Indians will have no crops on which to live and will be thrown on the Government who are responsible for their maintenance. The wages of free Indians are already from forty to fifty per cent. lower than they were two years ago.

I think that there is no doubt that the power of the Indians to earn money will gradually sink in value. The competition in the labor market by free Indians will have precisely the same effect upon their earnings as the Asiatic competition has had upon the European trade of the Colony, with the ultimate result, to themselves, that they will be unable to earn enough to keep themselves, and, to this Colony, that it will be in the same condition as Jamaica was. Look at the enormous increase of our natives and the crowding of all available land. It will be necessary to make arrangements, by poor laws and taxes, to avoid great suffering amongst the Indians, in case of a bad harvest or failure of the sugar crop.

The steady increase of our native population must become a more powerful competing element every year.

I undoubtedly think that the Indian has demoralized the kafr by helping to break down, to a very great extent, the respect previously held by the latter for the European.

He has made it easy for the native to obtain liquor and has provided means for every variety of illicit trade.

By Mr. Richardson:

I would not allow respectable Arabs or Indians to be exempt from the curfew.

I would not allow Arabs to have indentured Indians in their service.

I would impose such an annual license on Indians, before allowing them to indulge in trade, that it would amount to a prohibition.

I would make it compulsory that all their books and business transactions should be conducted in the English language.

I believe hawkers, who hold a Corporation license, are only entitled to trade within the limits of the city, but I believe that they constantly take advantage by trading be-
yond the limits of the borough. The vegetable hawkers do not produce altogether the vegetables which they sell, but are becoming middle men.

I have grave doubts as to whether the so-called coolie Trust Board is so strong in its financial condition as to be able to bear the very probable strain of the support of distressed Indians. I am of opinion that the Government is not alive to the heavy charges for which it will ultimately have to provide from the public funds, in connection with Indians, over and above those specially devoted to them.

I would not allow Indians to indulge in their processions and performances through the public streets.

I would place Indians born in the Colony under the precise regulations applicable to their parents.

I think that it would be better, upon the expiration of an Indian's indentured term of employment, that the employer should send to the Protector of Immigrant's office, for registration, a certificate of his character; the Protector of Immigrants should send a copy of that character to the Resident Magistrate of the district, in which the Indian is going to reside, and also to the Superintendents in the boroughs of Pietermaritzburg and Durban.

Examination of Mr. F. A. Hathorn, of Pietermaritzburg.

By Mr. Richardson:

I am Chairman of the Pietermaritzburg Chamber of Commerce. I am employer, in my business, of three free Indians.

My experience has been too limited to enable me to form an estimate of the relative value of coolies and kaiffs as labourers, but my predilection is all for the kaiff.

The reason for my opinion that the £10,000 a year, voted from the Colonial revenue for assisting Indian Immigration, should be stopped, is because the population of Natal do not generally benefit by the expenditure of this money. I think that it is only fair that an employer, who requires coolies, should pay the whole of the expense connected with their importation, maintenance, and return to Indian, and I would make the return of the Indian compulsory after his ten years have expired.

I would not permit a coolie to re-indenture, because by that time he would probably have a family about him, and I do not think that it is desirable that an Indian population should be established in this Colony. The Indian Government know upon what terms these Indians are indentured, and therefore could not object to their compulsory return at the termination of their contract.

I certainly do not think that, if Indian immigration were stopped, a panic in trade would result. I am not able to form an opinion of its probable effect on the sugar enterprise.

I should say that the Arabs were attracted to Natal by the coolie trade, and, if coolies had not been imported, we should not have had the Arab element here. There are
Arabs who import very largely for the supply of other Arabs, of coolie storekeepers, and generally. I think that the Arabs have cut into trade a good deal, but it is more into the trade of the small shopkeeper than of the merchant. I do not share the opinion that the bulk of trade in this Colony will ever get into the hands of the Arabs. I do not know any coolies who import goods into this Colony.

I think that the extent of credit now given to Arabs and coolies is nothing like so indiscriminate as it used to be; merchants have profited by experience, having bought that experience at considerable loss from former trade transactions with these men.

I am inclined to think that Arab importers have lost quite as heavily, if not more heavily than European merchants, by people of their own race. I think that the principal cause of the frequent insolvencies, amongst Arabs and coolies, is because they start with no capital.

I do not think that you can require an applicant, for a license to trade, to prove his possession of capital.

In my opinion, all colored people alike should be relegated to a certain quarter of the towns. I do not see that you can prevent them trading, because they are British subjects and just as much entitled to that privilege as others are; but their habits are not those of white people, and it is no hardship to require them to live apart; I believe this is the case in their own country. I would let them trade in their own quarter of the town as much as they liked. The difficulty I see is that several have already acquired property in towns and villages, whilst others have leases of stores and buildings; but I think this difficulty can be overcome by giving a certain notice, say two years, that no licenses to trade will after that time be issued, except in the quarters or locations to which I have referred. No doubt some special cases of hardship would arise; they, however, could be dealt with separately. I am certain that it would be found that the colored storekeepers would arrange to remove their businesses within the time, and that the owners of property would arrange to let to white people. In the same way coloured people, who have bought property, finding that the purpose, for which it was bought, had ceased to be, would have time to dispose of it. There would be no great hardship involved to owners of property, rented at present by coolies and colored people, because whites, who have been ousted by them, would in some measure reoen their businesses, and moreover, the vacancies left by outgoing tenants would be gradual. I would make no difference in the license, if a separate quarter or location for the residence of these coloured people were assigned to them, nor would I impose any other special tax upon them.

I do not know, of my own experience, whether coolies are employed as go-betweens, between whites and kaffirs, in supplying liquor to the latter; but I have heard that the practice is prevalent.

I would have only business books kept in the English language, that in use in our Courts of law.

I would not grant licenses to coolies to keep country stores, for the sole reason that they would encourage drinking among the natives. But, otherwise, I do not see why they should not enjoy the privilege. It has been found from experience that the coolies cannot resist the temptation of trafficking in liquor with the natives. If hawkers are found
to enter upon this trade, I would use every means to stop it. I think that it would be a disastrous thing if our natives, generally, were to acquire a craving for drink, as I believe is the case in one or two places in Natal. I would stop all hawking, if there is any danger whatever of it becoming the means of supplying drink to the natives. I think that the higher the license, the more temptation there would be to the hawker to make the profit out of the drink.

I do not think there is much likelihood of pauperism among the coolies in Natal; their habits are so frugal, food so cheap, and they are to a certain extent industrious.

By Brigade-Surgeon Lever:

I think there are plenty of outlying portions of land, scattered throughout the Colony, which would not be likely to be at any time occupied by the white man, and which would well supply the few wants of the coolies.

Examinaion of Dr. Richmond R. Allen, of Pietermaritzburg.

By Brigade-Surgeon Lever:

I was appointed Indian Medical Officer of this circle in 1881. I should say that there are close on one hundred and fifty coolie employers in my district; I am not quite certain, the number may be larger—certainly not less. There are about six hundred indentured and free male coolies in my circle, on whom medical fees are paid, and about four hundred women and children.

The death-rate per thousand for the last year, including men, women, and children, was eleven per thousand.

The death-rate among the children was unaccountably large. I cannot give the rate: the causes of death were pulmonary complaints and neglect at their birth. On many occasions I have had strong suspicions of infanticide having been practised; violence had not been used, but death had been occasioned by neglect and exposure of the infants during the first ten days of their existence. In 1882 I had a case of infanticide in my circle; the woman was tried before Mr. Justice Williams, and I think that she was sentenced to three years' imprisonment with hard labour.

I am never present (except in cases requiring the use of instruments) at child-birth; some old Indian woman officiates, it being a belief that, if I were to attend them, they would lose their caste. I think that it is essential that some responsible woman should be present at all births, to prevent the chance of infanticide being practised.

The procuring of abortion is practised. Within the last six months several cases of abortion have occurred, which have excited suspicion of their having been criminally induced. I believe that this abortion is brought on because the women live indiscriminately with men, spending six weeks or two months with one man and the same or a longer period with another; pregnancy by one man would interfere with the parentage of the child, which, of course, would not be recognised by another man.
There is a great deal of venereal disease; last year, it affected about one-sixth of the Indian population, women included. I have had many cases of hereditary syphilis in Indian children, and mortality in consequence. I have always urged that women should be examined on landing, as they arrive at Durban, because on every fresh allotment there are fresh cases of syphilis on the different estates and this I have traced to the newly arrived women.

There is really no marriage among these Indians; they all live in a state of prostitution, and cohabit promiscuously. I have heard that these women also practice prostitution with white men.

I have had a large number of suicides in my circle. I attribute them to smoking dakkha and to drink. I would strongly recommend that the smoking of dakkha be made penal, as it is in Mauritius; it has led to much misery and insanity. I do not think that the Indians are as intemperate as they used to be, nor do I think that the effects of liquor are so bad as those of dakkha; but I would certainly prohibit the sale of intoxicating liquors to Indians.

I think that much of the prostitution is due to the small number of women imported.

A great number of Indians assigned to estates are physically unfit for labor, because of debility and syphilis. I have been called in by an employer to examine Indians newly arrived and assigned to him; he employed only four, of whom one was totally unfit for labor, by reason of syphilis, and a woman, who was supposed to his wife, was also infected with syphilis.

The sick are always ready for inspection at my visits to estates. There used to be a lot of malingering; but now it has been checked, because I gave to an employer a certificate to the effect that a man was malingering, and the man was punished by the Magistrate.

I have no Central hospital; the sick requiring admission to hospital are sent to Grey's Hospital, but all cases of sickness are seen by me before admission to that hospital. I believe cases do go to Grey's Hospital without my knowledge, sent there direct by the employer.

Cases of illness should be compulsorily removed to hospital and should be detained there until cured. Some time ago I had a sick coolie, who went to Grey's hospital and ran away before he was cured.

I think that a latrine system is decidedly necessary; the use of these by the Indians should be made compulsory by law; the same applies to the kaffir, who also defiles the country.

I do not think that there is more amateur doctoring going on in my district than is necessary. None of the employers keep medicines, beyond castor-oil and chlorodyne; I prescribe for them and the medicines are made up by the chemist in Pietermaritzburg.

The most distant farm I have to visit is forty miles away. If I write a prescription there, it is sent into Pietermaritzburg by a kaffir to be made up, and I have never known an instance of my prescriptions not having been made up, irrespective of distance. Of course, bad cases are removed
to hospital: a number, however, will not go to hospital, and I have to attend to them on the farms. There are no estate hospitals in my circle.

In all instances, the causes of death have been verified by me and, when I am not in attendance on the case, then by a post mortem.

With regard to vaccination, it is regularly kept up in my district; as a rule, the children are all vaccinated before they are three months old. I have considerable difficulty in finding the children, because their parents, as a rule, object to vaccination and are up to all sorts of schemes to prevent it being carried out.

The newly-arrived Indians, I find, suffer from boils, ulcers, rheumatism, and skin complaints; generally, the probable causes are the changes of climate and the food on board ship.

A Central hospital is decidedly necessary for my district.

I have had four cases of lunacy, which I attributed to dakka-smoking; these men were transferred to the Government Lunatic Asylum.

I have had no cases of small-pox, but much chicken-pox of a virulent type.

I think that the water supply throughout my district is very good and not polluted.

I have had one case of bilharzia haematobia, but the man brought it from the coast.

Instead of fortnightly visits I would suggest that this rule be abolished and that the Medical Officer should be sent for whenever there is any illness on an estate: this would, I think, check malingering, as a man at present can shirk his work for thirteen days, until the doctor’s visit to the estate.

By Mr. Richardson:

I reported the case, in which I was called to inspect the newly-arrived Indians who were unfit for work on allotment, to the Protector of Immigrants, and the Protector intimated that the man could be returned in the usual way.

I would suggest that the Indian Trust Board should appoint a chemist, who could compound medicines at as little cost as possible.

I can attribute no case of sickness to a mealie-meal diet.

I hold post-mortem examinations on Indians, but I am not certain if I have the power by law to do so.

I have no interpreter attached to my circle, and I think that it would be a decided advantage for all parties concerned that an interpreter should be appointed.

I certainly think that it would be advantageous that Indians, on arrival at Durban, should be examined by a Medical Board, composed of two civil surgeons in conjunction with the Depot Medical Officer, in place of the present medical examination.
Examination of Mr. Richard Greslam, of Forest Lodge, Pietermaritzburg County.

By Brigade-Surgeon Le ver:

I have at present ten indentured Indian men, three women and one child. I have no free Indians.

On or about 13th May, 1885, I had four men and two women assigned to me from the Durban Depot: I saw them in Durban. The Assistant Protector (Mr. Polkinghorne) told me at Durban that there was not much the matter with one of the men; he had had the bad disorder, and I understood him to be cured. After he arrived at my place, he complained of the bad disorder; I sent him to the doctor of the circle (Dr. R. Allen), who told me to get some ointment and rub it on this man's person. I went again to the doctor and said that, as the man was always complaining of being ill, he, the doctor, had better inspect him again; the doctor then said that the man should go into Grey's Hospital; he was there for three weeks or a month. Half the time this man has been with me he has been absent and sick.

Another coolie of the same lot, named, I think, Ramsaram, got sick shortly after arrival; the doctor said that he had something wrong with his heart.

Jaffra, a third coolie of this same lot, has several times absented himself, and on one occasion he went to Mr. Manning, the Deputy Protector of Immigrants, and came back to me with a long note from Mr. Manning, stating that the boy was a very good boy, that he was very sick, and that I had ill-used him; I had not ill-used him, as I was not at home at the time. I had him inspected by the doctor, who said that there was not much the matter with him, that he had only a little eruption on the skin.

I am not satisfied with the way in which the Deputy Protector of Immigrants questions my coolies, when he visits my farm. Before he ever came I was master, my coolies would do anything for me, even if it were at midnight, I had only to call them; but after the Deputy Protector's visits, charges are trumped up against me by my coolies, and I am summoned to the Resident Magistrate's Court by the Clerk of the Peace, and the charges against me have invariably been dismissed, although the complainants have appeared in person and brought witnesses: the charges have been of assault.

I am generally present when the Deputy Protector inspects my coolies; he questions them through his interpreter a little, and afterwards talks to them in the Indian language himself, which I only understand a little; but, from this knowledge, I have been able to understand some of the conversation which has taken place. The coolies have told the Deputy Protector that they do not like doing certain work, and he has turned round to me, in the presence of some Indian women who understand English, and said, "I am surprised at the coolies doing such work, it is nauseous, and you must get some one else to do it." That work was skinning an animal, which had died; they had skinned animals before, but had complained to me. After this, I had to send for kafirs to do this work. I am of opinion that, as master, I should be informed of all the conversation and questions between the Deputy Protector and my coolies. I am left in the dark, and, after the visit, my men are trouble-
some and have refused work. When Major Graves was Protector, I never had any trouble with my coolies, and he used to interpret everything through his interpreter, so that I might be informed of what was going on.

The last lot of coolies have actually tried to provoke me to assault them. One man, named Jeebodli (No. 31082), shoved me and said, "now strike me, and I will report you to the Deputy Protector of Immigrants." I produce a letter from Mr. C. Manning, Deputy Protector, dated Pietermaritzburg, 29th June, 1885, in which he states that Jeebodli "has made some complaints of a serious assault some time ago and, as the case had not been heard, he was justified in going to enquire when it was to be taken. He now says that since making that complaint he has been refused rations and house-accommodation and repeatedly told to leave the place. If true, this must not continue."

On my way up to the Umroti I called on a neighbour, who said, "a coolie of yours is looking for you, with a pass from Mr. Manning;" this coolie had at that time been nearly a month absent. When I demanded the pass from the coolie, he said that he had none; I threatened to flog him, if he did not give it up, and he then gave me the letter before alluded to, from Mr. Manning. That was on the 8th of July, and the letter was dated 29th June, 1885. That man could have got to my residence in two hours, as the distance is only six miles from Mr. Manning's office. I am certain that this man was wandering about the country on his own account, sheltered under the letter in question.

I had been summoned to appear before the Court here, at the Resident Magistrate's office, on the charge of assaulting that coolie, before I had discovered the letter. That coolie, Jeebodli by name, was absent without leave seven days in May, twenty-two days in June, and fifteen days in July of this year.

My coolies were so troublesome that, in May last, I asked Mr. Manning to come out to see and speak to them. He came out. I asked him to look at my wages-book, as Jeebodli would not take his wages in consequence of the deduction for absence. I had deducted 14s. 6d. for twenty-two days' absence at different periods, but not during one month, from the man's wages, and therefore I was entitled to deduct one shilling for each day's absence. Mr. Manning said that I could only deduct 6s. 8d. for the twenty-two days' absence. I said that I would agree to the 6s. 8d., provided the man was forced to make up lost time after the expiry of his indentureship. We both had words and came to no conclusion on the matter, and I only deducted 6s. 8d. from the wages.

I told Mr. Manning that, if all this trouble with my coolies went on, I must apply somewhere for a remedy, as I could not get redress from him. I wrote to the Protector of Immigrants sometime in June of this year, telling him that my coolies were always running into town without leave. He replied that he had referred the matter to Mr. Manning. Mr. Manning has not written to me on the subject. I wrote again to the Protector, I think, in July, to tell him that Mr. Manning had done nothing, and that we could not agree, and that I wished for a reply from him. I also said that one coolie, Matapaliit (No. 31,500), had been absent about one hundred and thirty days during the last year, and that Jeebodli had been absent sixty days during the same period.

Often my coolies absent themselves, generally in the
night, and I find in the morning that rhéms, eggs, skins, and other articles are missing. My servant girl had her bag stolen with a little over four pounds in it. I think this must have been done by Coolies, and Jeabodli was flush of money and absented himself shortly afterwards. I know that he had no money of his own, as he had given all, save five shillings, to Mr. Manning, to put in the bank for him.

By Mr. Richardson:

One of my indentured Indian women refuses to work; she says that she did not come here to work. When she does not work, I do not ration her. I ration the women, when they do work.

In cases of Indians who have deserted and been restored to me, I have paid nothing for such restoration, and I do not mean to.

As a rule, if I could obtain Kaffirs, I would prefer them to Coolies.

As a stock-farmer, I do not consider that section 30 of law No. 2 of 1870, as regards the punishment to be inflicted for cruelly ill-using stock, &c., is sufficiently severe.

My Coolies do necessary work on Sundays, such as milking, &c. I do not pay them for so doing, but give them extras in the way of food. They have complained to the Deputy Protector about Sunday work, and have refused to milk. When I applied for these Coolies, I applied for some men suitable as herdsmen, and I was led to believe by the Protector of Immigrants that men, suitable as such, were allotted to me. Such being the case, I think that it is a great hardship that they should refuse to do necessary Sunday work. I myself am object to Sunday work that I make the men (Indians) go for their own firewood during my time, and I allow no kitchen Sunday work except what is absolutely necessary. I think that it is only right that Indians should do on Sunday such work as is absolutely necessary.

I think it is a great shame that any of the revenue of the Colony should be devoted to the importation of Coolies. Every man should pay for his own coolies, and, if he cannot pay for them, he should not get them.

Coolie hawkers come, some with pases, some with licenses, all over the Colony. I have found out that these men have been in league with my Coolies. I told my Coolies that I was missing several things, that I knew it was they who had stolen them, although I could not swear to it, but I should find it out, and wee to them if I did. This missing of things went on for some time. One of my own coolies told me one day that he wanted to speak to me, and I said, "What is it?" He said, "You often say that you have missing things, now I will tell you about it." I replied "Be careful what you say, as perhaps I may have to summon you." I then had all my coolies drawn up, and he pointed out some of the coolies who, he said, had been robbing me. I was told that these stolen goods were hidden away and fetched by other coolies after dark, and that they were finally sold to the hawkers. The stolen goods were apples, fowls, eggs, skins, and realies.

If you would like to call me face to face with Mr. Manning, and if he disputes what I have said about him, I will prove it all and a great deal more.
We have a doctor, and, if my coolies are sick, I send them to the doctor, and he lets me know if they are sick or not. Surely, he is a better judge than Mr. Manning? Therefore, why should Mr. Manning say that a man is sick? I think that he is exceeding his duty.

I do not think that it is the duty of a Deputy-Protector to come on an estate, stir up strife, and make everybody dissatisfied and discontented. On the other hand, he should try to promote harmony and good feeling between master and servant.

DURBAN—FORTY-THIRD DAY.

AUGUST 11TH, 1885.

Evidence of the Deputation from the Victoria Planters' Association, consisting of Mr. O. T. Saner (Chairman), Mr. A. Wilkinson, and Mr. L. Acutt.

Examination of Mr. C. T. Saner, of Southburn, Ottawa.

By the Chairman:

I am Chairman of the Victoria Planters' Association. I am also owner of the Southburn Sugar Estate. I have been about twelve years engaged in the sugar industry. I think there are forty-five members in the Planters' Association. I will give, hereafter, the total number of estates represented by these forty-five members; I will give hereafter, approximately, the total number of acres represented in the Association; I will also give the total number of coolies employed on those estates.

I am not particularly satisfied with the class of Indians supplied by the Agencies in Calcutta and Madras. I think, as a rule, the worst men come from Calcutta. I have no suggestions to make as to the remediing of these evils, except that there should be more care in recruiting from the agricultural districts or from the towns. We have so many men sent here who are professional beggars, tradesmen, and the like; it is cruel to turn them into the field.

I am satisfied with the Depot here, with reference to the landing of coolies on arrival. I am quite satisfied with the system of allocation of coolies to estates, on arrival: I think that there is perfect agreement among the Planters in the Colony as to the impartiality in the distribution of coolies.

I think there should be a better scrutiny of the Indians at the Depot, Durban, by the Medical Officer, before allotment to the different estates.

I am not aware that any of the Indians, on arrival at Durban, suffering from the venereal disease, state that they contracted it on board ship. I do not think it is likely that such is the case.
Where men arrive with long-standing complaints, I would blame the Agents in Madras and Calcutta for sending them.

I am satisfied with the way in which coolies are housed on estates; they prefer grass-houses, with grass sides, to those constructed of wood and iron, and, as a rule, leave the latter for those constructed of grass. I think that the present house-accommodation is quite sufficient; I would not supply them with any other.

As a rule, I do not think that sufficient arrangements are made for providing good drinking-water to coolies. This arises, I think, from a total want of sanitary arrangements in the coolie barracks. I also think that this partly arises from a pollution of the drinking-water supply by mills. I certainly think that it is possible to provide coolies with pure water; the water in this Colony is very good.

I would suggest that this good water should be secured by the prevention of the pollution of streams, and that a stop should be put to coolies washing their persons on the banks of streams. A coolie prefers to go to the river, when he cases himself, even though a good well be equally near to the coolie lines.

I advocate power being given by the law to enable managers to punish coolies for infringement of sanitary regulations: it is all nonsense to think so much about their caste—it is a case of filthy habits.

As to latrines, I do not think that we could enforce their use by coolies—our lives would be a burden, if we had to compel them to use latrines.

As to pollution of streams by mill-refuse, &c., I think that it might be minimised by arrangements, which planters are making, to use such refuse as manure. I would put the dunder on the manure-heap; it ought not to be allowed to go into the river at all. As to vacuum-pan water, if the system be properly worked, there is no pollution—if there be an error in the manufacture, in the manipulation of the pan, there will be disagreeable water. Vacuum-pan water ought not to be sweet; it should be merely warm, without any sweetness. If the water be used over and over again, the water must become spoiled and deteriorated. The mill refuse, generally, should be put on the manure-heap.

I am in favor of the introduction of a bill to prevent the pollution of streams, but I am in a minority in the Association. Such bill should apply to the whole Colony and should apply to woolwasheries, tanneries, and all such trades, including breweries.

As to the Indian Immigration Trust Board, I am not satisfied with its constitution. I would have more representatives; there is too much of the official element. I think that the up-country districts should be represented on the Board. I think that the planters' interests should be at least equally represented on the Board, but I should prefer to see the official element in the minority. I think that there is sufficient control over the Board by the present system of auditing, &c. I think that the Protector of Immigrants should have a seat on the Board. I do not see that there should be any clashing of interests, between his duty as Protector of Immigrants and that as a member of the Board—he is paid by the Board, appointed by the Government.
We are not satisfied with medical attendance at present—it is about as bad as it can be.

The Medical Fund and the appointment of Medical Officers should be under the Trust Board.

I would increase the pay of the Medical Officers and prevent them taking private practice.

I would leave the circles as they are. I do not advocate grouping of contiguous estates, in order that they may make their own arrangements with doctors, subject to the approval of the Board.

I think that the doctors should visit estates more frequently; the minimum number of visits should not be less than twice a week, and, in case of sickness, the doctor should attend as he would upon a sick European.

In old times, we hardly ever saw a doctor, sometimes not for two months.

I am not in favour of the general establishment of estate hospitals; the Central hospital system works very well.

I think that planters are now taxed too much for medical purposes; the taxation is now exorbitant, and we get not one-sixth of the benefit which we ought to derive from such taxation.

The salary of the Medical Officer is not sufficient now. Increase of salary does not necessarily mean increase of taxation. From the medical fund large hospitals have been built, quarantine arrangements have been paid for, and yet there is a large balance in hand now.

I think that those quarantine arrangements should not have been paid for out of the medical fund, but out of the general fund at disposal of the Board.

I think that the doctor should attend entirely to the coolies.

I am not satisfied with the Protector’s judicial powers, as they now are.

I object, most strongly, to clause 11, of Law No. 2 of 1872, whereby the Protector has a casting vote when sitting with the Resident Magistrate. I think that the right of sitting with the Resident Magistrate should be omitted in any future law which may be enacted.

In a case recently heard before the Resident Magistrate, the Protector was actually prosecutor, witness and, finally, judge; from the bench he went to the witness-box, from the witness-box he returned to the bench, and then gave his decision against that of the Magistrate!

My opinion is that all cases should be brought before the ordinary courts of the Colony; the law should not be overridden. As to small debt cases between Indians, I think that the Protector should have the right to hear them.

With reference to the visiting of estates and the way in which these visits are carried out, I think that it is a very injusticious plan for a Protector to go and ask for complaints. I think that it is quite enough for the Protector to appear
on the estate, and not to send his secdars on before to find out complaints. I am sure coolies know very well that they can have their complaints heard by the Protector at his office.

It is a matter of tact on the part of the Protector. Personally, I am not aware of any cases of insubordination of coolies after such visits, but I have heard of them. I cannot suggest any remedy, by which this state of things can be amended. I think it is a want of tact on the part of the Protector.

I think that the Protector should not object to the presence of the master when he, the Protector, is questioning the coolies. I think that the Protector should assume that the coolies have no complaints against their masters; when they must, they are not at all afraid to tell their complaints to the Protector.

I think that the law should not be amended as regards coolies leaving estates in large numbers: I think that the present law is stringent enough.

With regard to absences, I do not think that it is desirable to make any amendment. If a coolie be absent from work and not sick, although on the estate, I would consider him absent without leave and fine him a shilling. If a coolie be not on the estate, as in clause 26 of Law No. 2 of 1870, he should be liable to a fine or imprisonment, instead of imprisonment only.

Desertion is, I consider, absence from the estate without leave. After fourteen days' absence, the deserter should be liable to two months' imprisonment, not exceeding two months, without the option of a fine, and with power to the magistrate to order decreased rations. The deserting coolie should make up his time, and give two days for every one of his absence; that is to say, he should re-indenture, after his indentured time has expired, for the period of absence calculated as I have said.

With reference to wilful neglect, I would not increase the present penalty.

In case of wilful damage to an employer's property, I think that the penalty might be extended to six months' imprisonment with hard labour. I do not agree with flogging.

I do not think that the sugar enterprise could be carried on without the continued introduction of coolies.

As to the return of Indians to their own country, I think, in the first place, that all the incapables should return as soon as there is satisfactory proof that they are incapable, and secondly, that other Indians, on the completion of their ten years' residence, should return to India, or that they should forfeit their return passage.

I am decidedly not in favour of a compulsory re-indenture after the first five years.

Now, virtually, they can stay here as long as they like, and still have the right, under the Governor's Proclamation, to return to India with a free passage.

I think it is desirable that the coolie should be a free man for five years in the Colony. I think he is of value to the Colony as a producer of maize, vegetables, and tobacco. My
opinion is that they have, as free men, done a great deal of
good to the place, and I would not compel them to go back
to India.

I think that, if the European cannot compete with the
Indian, he must collapse.

I would not limit the power of the free Indian to engage
in trade or in farming pursuits or in selling farm produce.

I think that there should be registration of all free Indians,
for the purposes of better police supervision and of the
carrying out of the laws of the Colony. White men are all
right, and we know their places of abode.

There is a floating population of poor whites, wandering
up and down the country, who are not registered. This class
legislation would lead to better government of the country.
Any class of people, be they white or black, if they see no
signs of government, lose the idea that there is any govern-
ment at all.

I would prohibit the sale of intoxicating liquors to both
indentured and free Indians. I should like to prohibit the
smoking of dakkha, but I am afraid that it is impossible; it
is a very difficult thing to carry out.

I think that the ultimate result to this Colony of the
importation of Indians and of their propagation here will be,
that they will become the peasant population and will be the
labourers of the Colony. I do not think that they will be
artizans. They are absorbing all the kafrir trade of the
Colony. The Indian has benefitted the young European.

I see no reason to be afraid of Indians ultimately compet-
ing in trade with Europeans and pushing them out. I do
not see any probability of white men becoming the laboring
population of the Colony.

I think that the removal of the Indian population would
lead to the withdrawal of the whites.

I think that the public have benefitted by the Oriental
competition in trade.

I consider that the reason we have had so many Indian
murders lately is the impunity with which such men have
been allowed to commit murder.

We object to the powers given to the Lieutenant-Governor
by section 70, of Law 2 of 1870. The Governor should not
have the power of interfering with the provisions of the
law.

As to the recovery of debts, incurred by the coolies whilst
under indenture, there should be no power to recover a debt
incurred during such term of indenture. I think that money
lent, or representing goods supplied, to coolies under indent-
ture, should not be recoverable from those coolies, either
during indenture or afterwards: the creditors should lose
the money altogether. The Law Agents, who are now so
numerous, fatten on these coolies.

As to clause 30, of Law No. 2 of 1870, we think that the
word, malingering, should be included.
By Mr. Saunders:

It is all a matter of tact on the Protector’s part, as to the result of his visit to an estate. Visits should be made by himself, and not by a subordinate. The Protector was in the habit of sending his subordinate to visit estates, without the knowledge of estate owners and prior to the Protector’s advent; but this, to my knowledge, is not done now. Secret visits ought not to be made by the Protector of Immigrants or by any officer of his department.

With regard to complaints made by Indians to the Protector of Immigrants, sometimes the Protector communicates with the master, and lately he has been sending the complaints to the Clerk of the Peace. In my own case lately, the man went to the Protector of Immigrants to complain, and the Clerk of the Peace refused to prosecute and sent for witnesses, whom I declined to send: I requested that the complaint might be heard at the Magistrate’s Court. I put the Protector of Immigrants in the box as a witness for the defence; the charge proved utterly worthless and groundless, and the Colony was put to a great deal of expense. I never had a case in the Protector of Immigrants’ court before this, in the course of seventeen years during which I have employed coolies.

I think that the Protector of Immigrants should receive complaints before the Indian goes to the Resident Magistrate. I think that an indentured Indian should be free to go either to the Protector or to the Magistrate, as he thinks fit, in the first instance, to lodge his complaint.

I see no reason why a medical man should not be restricted entirely to the coolies and be debarred from private practice.

I do not think that increased salaries would make medical men extra diligent.

I think that the rate of mortality amongst Indians in the Colony is very low. I was astonished to see how low the rate of mortality was amongst my own Indians, extending over a number of years and including infantile mortality, which is comparatively large and is due to the stupid way the mothers or nurses treat their children. I have no reason to suspect that infanticide is practised; women are very fond of their children, and men especially so.

By Brigade-Surgeon Lever:

With regard to frivolous complaints made by Indians against their masters, I think that some punishment more than a mere fine should be inflicted: I think that it should be fine or imprisonment, at the discretion of the Magistrate.

There should certainly be a medical inspection of all coolies and their families, especially the women, men once a month and women weekly.

I think that it is decidedly worth a trial to adopt the latrine system amongst Indians. If we could carry it out, it would be a splendid thing. Estate owners should have power to inflict some penalty, in order to make Indians resort to latrines; we could not go to the Magistrate for all complaints of this sort. I would recommend a small fine, but these fines should not go to the estate. After the first start I do not think that there would be many fines.
I think that there should be a Medical Board composed of three doctors, to pass coolies at the Durban Depot prior to allotment.

I do not think that it is possible to introduce kaffir labor on sugar estates. Even if the $10,000 a year, spent on coolies, were devoted to a system of kaffir labor as a substitute for Indian labor, it would be money thrown away, as you could not keep kaffirs on estates.

I certainly think that the doctor should have the power of enforcing his orders in the hospital. I think there should be power to compel patients to go to the hospital and to detain them there until they are cured, and until the doctor says that they are fit for work.

As to the question of the accommodation of the sick on an estate up to the time of the doctor's visit, that should be left to the discretion of the master.

I do not think that the percentage of Indian women introduced here is sufficient; the women are of a bad caste, and are the prostitutes of the towns.

As to the sections 30, 34, and 47 of Government Notice, No. 448 of 1880, I certainly do not think that the Protector of Immigrants is competent to pronounce on the work of the Medical Officer, but he should be allowed to make his inspection and take any complaints made to him.

I did not approve of the manner in which Major Graves, when he was Protector of Immigrants, did his duty; he did not carry out his duties as Protector.

I do not think that there is any chance of free Indians ever becoming paupers and being dependent on the Government of the Colony for their maintenance.

I certainly think that hawkers' licenses should be granted to free Indians and that they should be allowed to trade in the country.

It has never come to my knowledge that coolies have robbed their masters and sold the stolen goods.

Examination of Mr. A. Wilkinson, of Ottawa.

By the Chairman:

I prefer Calcutta coolies, for many reasons. They are able to withstand the cold of Natal, they include a larger number of agricultural laborers, and we can make them understand better because they speak Hindostani and we understand them; they are much more sober and more saving than Madras coolies.

I think that the ship sirdars should, during the voyage, look better after the coolies in their charge, especially as regards the venereal disease.
As to the selection of men in India, we have old men sent here who are put down as thirty-five years of age and who have only stumps instead of teeth; the boys are put on at men's wages, and are called "male adults." We have men sent us, "weeds," who never can be of any use to us: we are obliged to take anything they choose to allot to us.

As to medical matters, I think that some of the circles are too large for the doctors to attend to, and I think that we ought to allow private practice. I think that, instead of the doctor repeatedly visiting, he should come to the estates when sent for.

With regard to the return passage of Indians, I propose that they should be offered a free passage at the end of five years, and, if they do not then return, I would reindenture them for three years more. There would be very few who would want to go at the end of five years, and I would not compel them to go. At the end of eight years, they should be offered a free passage home and, if they do not accept it, they should forfeit it altogether, and no extension of residence, with free passage at the end of it, should be granted by Governor's proclamation.

There should be a penalty for the smoking of ganja and other narcotics.

As to the £10,000, now devoted to cookie importation, if we keep the peace and do not fight the kaffirs, and if we prevent them fighting amongst themselves, I think that we should not require so many cookies, as more kaffir labourers would be available.

I do not think that there is any necessity for legislation concerning the pollution of streams.

Examination of Mr. L. Acutt, of Umhlanga.

By the Chairmen:

With regard to the medical circles, I agree with Mr. Saner that the medical attendance is insufficient, but I consider that the remedy will be found in the creation of more circles and in the employment of more medical officers rather than in raising the salaries of the present officers. I would not deprive the present officers of private practice, but a medical officer should not also be District Surgeon, as his duties as District Surgeon very often take him away for two days at a time.

I consider that the Medical Fund should be raised by a charge per head, irrespective of the number of Indians employed by an employer; the sum then could be made smaller, for example—in the case of my own firm we pay £40 per quarter to the Medical Fund, though employing only one-fourth of the number employed by a company which pays only £30 per quarter: this arises from our two estates being in different medical circles, the Avoca and the Verulam.

I am in favor of every Indian in the Colony, indentured or time-expired, contributing something towards the Medical
Fund. I would make the sum the same for all, and, if each man or employer of men paid, it would reduce the sum now paid per head very considerably.

I think that the sanitary condition of the settlements of free Indians should receive some attention from Medical Officers; they constitute a possible danger to the whole community.

With reference to my proposed reduction in the extent of the Medical circles, I do not propose a reduction in the salaries of the present Medical Officers.

PIETETMARITZBURG—FIFTIETH DAY.

FURTHER EXAMINATION OF MR. C. MANNING, DEPUTY PROCTOR OF IMMIGRANTS.

By the Chairman:

I do not usually give to employers of Indians notice of my visits: I have no fixed dates for my visits, as it is not convenient to me. I am constantly delayed on estates, and can therefore seldom appoint a fixed time. Occasionally it may happen that the coolies have to be sent for from their work for my inspection; sometimes I see them on the field, going with the employer. I do not think that employers have complained of my taking coolies away from their work. Mrs. Saville of Camperdown complained that I took the men from their work. In that case the men were nearly an hour coming to me and I detained them only ten minutes; the delay in coming probably occurred from the men waiting to finish some work, as the distance was only about half a mile.

I have requested an employer to withdraw during my inspection, on one or two occasions when the master was obstructive. I, usually, specially ask the employer to be present and to go with me to the inspection. I ask the employer to go away as I think that I have the right to do so. I think that my right is based upon section 34 of Law No. 2 of 1870. I think that it is my duty to avoid legal measures, under this 34th section, by requesting the employer not to obstruct me in the performance of my duty. I think that I also have the right by the long practice of the Proctor of Immigrants: I remember General Lloyd doing it in several instances.

My custom is as follows, invariably:—I see the employer alone, if he be new to his position. I ask him how often he pays his coolies and what rations he gives; if there be anything in the reply which I think objectionable, I explain to him the law, but, I usually add, I shall not raise this question unless the Indians do. I then ask if he has any complaints to make about the men. If I have been there before,
and he may be presumed to know the law, this preliminary interview may be shortened. We then go to the men and I open by telling my interpreter to announce who I am, and I say to the men that I am pleased to hear from their employer that they are going on all right, or that remark may be varied by what the employer has said to me. Then I say, if you have anything you wish to say to me, now is the time to say it. After hearing what they have to say and attempting to adjust misunderstandings, I speak of their own affairs, such as marriages, letters to India and remittances. Such is about the manner in which I always conduct the interview. I do not put the question to them, "have you any complaints?" When the Indian has made complaints, a master of a tyrannical disposition will interrupt by saying, "that is a lie, do not you tell such lies as that, Sammy." On the average, I do not think this occurs more than once a year.

Masters have complained to me that they have had more trouble with their cookies after my visit, and I have heard of them saying that to others.

Mr. Trotter, on my second visit, said that he considered that my first interview had disturbed his cookies; afterwards he said that he was very much pleased at my second interview, that it had cleared up some misunderstandings.

Mr. James Turner, of Allerthorpe, near Howick, made a similar complaint to me.

I think that Mr. Robert Spiers, of "The Darge," so complained, as well as Mr. J. Morton, of Tweedie Hall, near Howick, and Mr. Stuart, of Colenso.

I am not conscious of proceeding to these enquiries with want of tact. When I first became aware that such complaints had been made, I thought very carefully whether I could, in the interests of the Indians, make my visits less inquisitorial, but my conclusion was that I did not do any more than my clear duty demanded.

Mr. Comins, of York, told me that two persons, Mr. Turner, of Allerthorpe, and Mr. McIntosh, of Fox Hill, had complained about the disturbing influence of my visits. I afterwards spoke to Mr. Turner about it, and, meeting Mr. Comins immediately after, I told him what Mr. Turner had said. Mr. Comins then remarked, "Well, you see, we have been so long without any official supervision and so accustomed to an easy method of dealing with kaffirs that we are jealous and suspicious of official inspection, and this made us all rather to resent it at first more than we shall do in future."

I think that dealing with kaffirs has made it especially hard for employers to manage cookies, especially with respect to punctuality in the payment of the wages of indentured Indians.

It is unpunctuality in the payment of wages which is the usual cause of complaint with indentured Indians up-country, and it is my having to insist on punctual payment which is annoying: employers say that they have not the change, that it is not the wish of the Indians to be paid every month, and if excuses are made. I do not think that, in actual fact, Indians would complain of a two-monthly retention of their wages.

I do not know any method by which I could make my
visits less annoying to the employers of Indian laborers and at the same time do justice to the Indians. I do not assume on my visits that things are wrong, neither would my way of questioning cause coolies to think so. In the majority of cases everything is happy and right.

It occurs to me to remark that there is a difference between my position and that of a Magistrate. My duty is to go to estates and, as far as possible, to see that the contract is fulfilled: there are three parties to the contract, the Government, represented by myself, the employer and the servant, and it is a duty specially imposed upon me by Government that I should see that the bargain is carried out. Therefore, unavoidably, my duties are inquisitorial.

Either at my office or on estates I receive proposals for the remittance of sums of money to India. I instruct the applicants to have two letters written, which are to be duplicates one of the other; the one the remitter posts and the other he gives to me. In both letters he states the amount sterling which he is sending, and to whom. I, through the Protector of Immigrants, send one letter to the Agents in India, and the other letter is put in the post by the remitter. The turning of the pounds sterling into rupees is done by the Agents in Madras; but the letter from the remitter contains no information as to the amount of rupees the payee is to receive: I suppose that the equivalent in rupees is at the rate fixed by the Government of India. I believe that the Protector obtains a receipt from the Indian payee, showing the amount which he has received, I suppose in rupees. I have heard remarks from Indians, after receiving letters of acknowledgment from their friends in India, expressing their surprise and pleasure that they, the friends, had received so much in rupees; I believe that there are no commissions or charges made. I have never heard any complaint that five pounds sterling have produced only 50 rupees to the recipient in India; but the remitters do often complain of the delay in receiving the acknowledgments.

By Mr. Richardson:

There is a recent regulation in force by which expenses in returning a deserter are recoverable from the employer, but I still exercise my right, as I believe, of telling the employer that he may deduct that amount, or some portion of it, from the wages of the Indian, when the latter cannot urge any complaint which appears to justify his desertion. I consider that I have the power to authorise the employer to deduct, from the wages of the Indian, the costs or part of the costs of returning him to the estate, when there was nothing sufficient to justify his deserting to make a complaint. I have that power under the provisions of section 29 of Law No. 2 of 1870, as explained by section 8 of Law No. 12 of 1872, and under the same section I consider that I have the power to compel the Indian to consent to the deduction of such costs from his wages.

Before Government Notice, No. 7 of 1885, was brought into force, I drew the attention of the Protector of Immigrants to the desirability of retaining the powers, now exercised, to charge the expenses of returning such Indians against their wages.

Under clause 70 of Law No. 2 of 1870, the Governor has power to make regulations, and, generally, for all other purposes connected with that law,
In the case of an employer wishing to transfer his Indians to another employer, I usually consult the wish of the Indian, as far as I can, but I do not consider that the law gives him the power to refuse.

Cases do happen wherein Indians consent to return to their employer upon my giving them a pass, and who do not return but wander about the country. Those men are punishable for desertion, but not for telling me a lie.

I think that the punishment for desertion should be cumulative. I think that, if a man has deserted frequently, the frequency of the desertion should render the penalty heavier.

It would be contempt of my court, if my court had been constituted, if an Indian, having promised to return to his master, wandered about the country; but Indians generally see me in my capacity of Protector.

If an indentured Indian comes to me and complains that he is sick and that his master has not given him medicine, I do not usually send him to the Medical Officer. My usual custom, in these and all other complaints, is to give the man a letter to his employer, stating what his complaints are and sending him back.

I consider that I have the power to decide how long an Indian must work before he has a right to his discharge. Sections 22 and 35 of Law, No. 1 of 1870, are conflicting, and I sometimes have difficulty in deciding which I should take for my guidance. The point in which they differ is that section 29 says that the prolongation of the contract shall be reckoned at two days for each day of absence, but section 35 says that the indenture shall be renewed for such further term of service as they may have deserted or been imprisoned.

In the case of unlawful absence the employer can deduct the wages only up to a certain limit. If a man be absent for a few odd days and have received rations for those days, he has to pay one shilling a day for his absence and there is no further penalty. But, if he be absent for a period of more than twenty-five days in any one year, the master's redress is that the man's contract is prolonged at the end of his five years. The one shilling a day cannot be carried on as a debt owing by the Indian, from month to month; each month settles its own account. If a man be absent twenty days in one month, he loses the wages for that month, but wages begin to accrue to him if he be at work on the first day of the following month. The principle of this law is that the employer does not pay for that which he does not get; but there is no penalty on the Indian for indirect losses incurred by the employer. This last statement may be qualified by section 30 of Law No. 2 of 1870, which gives any competent Court power to inflict penalties for misconduct, by which live-stock or crops are damaged.

I think that it would be well if charges of misconduct against free Indians were brought under the ordinary criminal law; but they also are under the special laws of Indian Immigrants. I would keep indentured Indians under the special laws of Indian Immigrants.

As to unlawful absence for only ten days, it is not usual to make deductions except by a shilling or by a sixpence per day of absence; but if a man has been absent and has had
no rations, and it is intended to make him work the period at the end of his five years, he only has to forfeit a third of his monthly wages. Whenever an employer deducts one shilling per diem for each day's absence, he forfeits his right to the renewal of the deserter's indenture.

We always do file replies in cases of complaints, that is to say, if the complaint be kept, the reply is also kept.

By Mr. Saunders:

I have instituted proceedings against masters on the part of the Indians, and too generally there has been no result, which I attribute to defective interpretations, and to a habit of exaggeration, inherent in Indians, by which they frequently spoil what would otherwise be a strong case. I do not remember having instituted a case against an Indian on the part of a master, except by way of forwarding a counter statement when all papers have been sent to the Clerk of the Peace.

I do discourage Indians bringing their complaints direct to me before they have had recourse to the ordinary courts; but their constant reply is that the ordinary courts are inaccessible. I have mentioned this in papers addressed to the Protector of Immigrants, and specially have I called attention to the frequency with which Indian cases fall through, because of the unwillingness of Indians to attend; then the cases are dismissed without being tried on their merits. I have drawn attention to the frequent failure of justice in the ordinary courts of the land, with respect to Indians. I make no charge against the Magistrates themselves, but I repeat that Indian cases, which I have thought of importance, have been dismissed without being tried on their merits. Upon the evidence before me I can decide whether there is a *prima facie* case for the complainant.

I consider that I am Protector of the Indians, and such is my designation. I consider that it is my duty, as far as possible, to see that the bargain between the Indians and their employers is fairly carried out on both sides. I repeat that I consider it to be my duty to secure, as far as possible, the fulfilment of the bargain made between the employers and Indians, but, inasmuch as Indians are foreigners and are ignorant men, it more frequently happens that I have to insist upon their rights rather than those of employers. A breach of the law by an employer may be ascertained by me on the spot, whereas a charge of idleness or insubordination against a coolie is a matter of evidence best tried in the Magistrates' Courts; I therefore generally refer an employer, if he makes such complaints, to his legal remedy.

The word "protection" implies some helplessness, and I cannot therefore be said to be the protector of the employer in the same sense as I am of the Indians; the employer is able to take care of himself.

None of my attendants, interpreters or others, are in the habit of going to estates to ferret out complaints; I do not approve of them doing so.

I never stay on estates at night, if I can possibly help it, but I may take a cup of tea or a midday meal.

I do not think that it would be wise to depute my functions to any person.
I think that civil cases between Indians themselves can be best decided by the Protector's court.

I consider myself bound to administer the law according to my own judgment, but I should generally accept the Attorney-General's interpretation of the law as conveyed by the circular of April 23rd, 1884. I should accept the Attorney-General's interpretation of the law as being correct, until it had been superseded by a decision of the Supreme Court. The circular in question has never been sent to me officially, but my practice was in accordance with it.

With respect to the Governor's right of declining to apprentice any more Indians to any individual employer, it seems to me that the privacy, with which the enquiry is conducted, is calculated to save such person much annoyance in case there should be a refusal, and I do not believe that the Governor, or the Attorney-General advising him, would ever exercise that power of veto, unless it were made clear that the applicant was of so tyrannicel a disposition as to render him unfit to have men apprenticed to him for five years. I see no objection to such cases being investigated in open court, but I still think that the judgment of the Governor is the safest method of decision. I do not think that it would expose the Governor to the liability of deciding upon an ex parte case, because he would act on previous judicial decisions. I cannot think that there is any danger, in the exercise of this power, of involving ruin on large or small estates, I mean, of course, undeserved ruin.

PIETERMARITZBURG—FIFTY-FIFTH DAY.

Further examination of Mr. L. H. Mason, the Protector of Immigrants.

By the Chairman:

I produce a remittance-form. The applicant for remittance appears personally at the office of the Protector of Immigrants, where the form is filled, containing the name of the person to whom the money is to be paid in India. The applicant also hands in a letter of advice to the payee, the duplicate of which is forwarded by the applicant through the post to the payee. The form of remittance, with the letter referred to, is then sent on to one or other of our Agents in India, and the amount is paid through him at the rate of exchange fixed by the Indian Government for the financial transactions of each year. The Agent turns the sterling into rupees and he charges no commission to the payee. The duplicate form of remittance is returned to this Colony, with the signature of the payee.

The amount of rupees does not appear upon the duplicate, when signed by the payee, and when returned to us.

The duplicates are so returned from time to time, but, every half year, the Agents furnish us with audited accounts,
showing the amounts of remittances paid in rupees. The
accounts are audited by the Government Auditor in India,
and we accept that scrutiny without question.

These accounts, to which our account for the remittances
at the end of every month is attached, are sent to the Indian
Immigration Trust Board. This remittance-account then
becomes part of the general accounts of the Trust Board,
and, as the Agents in India have their accounts only with
the Trust Board, the audited accounts are forwarded to the
Board.

I have never had any complaint that the payee in India
did not receive the proper equivalent in rupees for the
amount sterling.

If the payee lives in a remote district, the custom is for
the Agent to pay the money through the local Magistrate.

I do not know what the arrangement is in India, with
reference to the gain by exchange, but I do know that the
payee gets the full amount in rupees.

In 1882 only three hundred and eighty-eight Indians left
the Colony, and this may account for the small sum of £575,
which I have put down as the probable amount of money
taken to India by those returning Indians.

Four hundred and fifty Indians returned in 1884. I can-
not explain the large difference between the amounts, put
down as monies taken to India by returning Indians, in the
period between the years 1881 and 1884.

I have arrived at the figures, appearing at the foot of
return No. 16, from data supplied by letters from the Agents
in India and by Captain Reeves of the "Umtoli."

My return No. 15 (deaths of children under eight days of
age) is an accurate reflex of our books, but I have reason to
believe that deaths do occur, amongst young children and
others, which are not reported at the office.

The same remark applies to my return No. 14 (births).

I attribute the inaccuracy in these returns to the fact that
Indians, and especially free Indians, do not report births and
deaths to the circle doctors or to the Protector of Immigrants,
owing principally to distances.

As to return No. 12, it is an accurate return according to
our books, but not otherwise; many free Indians come into
the Colony, of whom we know nothing.

As to return No. 11, I think that the number, 30,317, is
pretty correct.

As to return No. 10 (deaths), I think that it may be
inaccurate for the reason given with reference to the other
returns.

With reference to annexure Q, and the great difference
between convictions and acquittals, I can only say that, in the
cases of acquittals, the complainants did not substantiate their
charges. All the cases referred to in the annexure Q, were
investigated by Resident Magistrates, principally of
Victoria County and Durban. All these cases were cases
instituted by the Protector of Immigrants, and in which,
therefore, we must have made preliminary enquiries: such
preliminary enquiries justified my department in laying the charges. In none of those cases did I sit with the Magistrate. We never examine the witnesses before bringing cases into Court, but only the person complaining. In Court, witnesses are often called who declare that they know nothing about the case, and hence the number of cases resulting in acquittal. I cannot explain how it is that witnesses so go to Court and say that they know nothing about the case.

The large number of acquittals has had a tendency to cause me to think that many of the complaints, made before me by Indians, are frivolous and false, and accounted for by the fact that Indians, arrested for being without a pass, trump up those charges to explain their absence.

When an Indian comes to make a complaint, at the Protector of Immigrants' office, if we find that his complaint is frivolous, he is returned to his employer in the charge of a messenger, and the employer is called upon to pay the fee of that messenger.

I think that, when the Indian cannot substantiate his charge, he should be made to pay the expenses of such return.

I have, in all instances, called upon the master to pay such expenses.

Prior to January, 1885, in certain cases we authorised the employer to deduct the amount from the Indian's wages. From that date, that was dispensed with by Government Notice No. 7 of 1885. That notice does not deprive me of the discretionary power of refusing to certify that the expenses should be borne by the employer, but we have found it better not to deduct those expenses from the wages of the Indian, because it makes him dissatisfied and he deserts again. The only punishment we can give to an Indian is under section 27 of Law No. 2 of 1870, and we do sometimes punish men, making frivolous complaints, in that way.

I have only sat in one case with the Magistrate since my appointment. As to that case, I cannot give the year. I certainly did leave the bench to give evidence in the witness-box, but the counsel for the defendant objected to my giving evidence, and, as far as my memory serves me, I did not give evidence. In that case I had caused the Clerk of the Peace to prosecute, and he was prosecuting on behalf of the Crown. The counsel for the defence, I believe, was Mr. McNeil, who, I think, continued in the defence until the end of the case. As to the verdict, my opinion was in opposition to that of the Magistrate, and the judgment of the Court was in accordance with my opinion. An appeal was made and dismissed.

Mr. Dumat was the defendant in the case. It was a cruel case; the Indian was a burden on the estate through sickness, he was an invalid to all intents and purposes. The estate accepted £4 10s. from this man to cancel his indenture; he was returned from the estate and was subsequently found at Sydenham in a dying condition, brought in to my office in a hand-cart, and I at once sent him to the Depot hospital for treatment.

I am not anxious to retain the power of sitting, as a Magistrate, with the Magistrate. As a matter of fact, the Protector can only sit at the request of the Magistrate, and I think that the Magistrate is foolish to ask the Protector to sit, seeing that, should any difference of opinion arise, the
opinion of the Protector will prevail. As a matter of principle, I do not think that the person who makes the preliminary inquiry, and who causes the prosecution to be laid, would be likely to be biased when sitting as a Magistrate.

When sitting on the Trust Board, I have not felt that my duty as Protector has clashed with my duty as a member of the Trust Board. The Board does not, in any way, interfere with my duties as Protector.

Roughly speaking, I think that, up to the present time this year, there have been about eight applications for Indians under the notice which will expire on the 15th day of September, 1885. I think that these applications are from persons already employing Indians. I do not think that it is likely that we shall have more applications before the expiry of the present notice, that is, not for any considerable number of Indians such as would justify the Board in re-opening the Immigration Agency at Calcutta.

As to the unsupplied balance of one thousand, one hundred and seventy-two Indians from Madras and five hundred from Calcutta at the end of 1884, all the applications have been cancelled.

The difference in the applications can be explained by the depression, in the sugar market, and generally throughout the Colony.

I do not think that this shows that the number of Indians in the Colony is as great as can well be absorbed by the Colony. The larger portion of the Indian population here are free, and therefore, unreliable for any industry. Such free Indians can give notice to leave, and away they go. The estates are not, at the present moment, undermined by coolies.

By Brigade-Surgeon Lever:

With reference to the complaint by Dr. McIntyre as to men allotted to the Central Sugar Company in January, 1885, on their arrival at the estate, Dr. McIntyre, I believe, was asked to inspect those people by Mr. Dumet, the Manager, I presume, and he gave a certificate concerning their fitness for labor. I produce Dr. McIntyre's original report; that report was forwarded to the Depot Medical Officer, Dr. Bonnar, and he reported on the matter. I also produce Dr. Bonnar's report on the report of Dr. McIntyre. I can say that these men were inspected by the Depot Medical Officer before they left the Depot for the estate, and that they were certified by him to be fit for labor. These men had just arrived from India, and we sent the Agents in India a copy of Dr. Bonnar's report as to their fitness for labor, but we did not send Dr. McIntyre's. We did not report, to the Agents in India, the condition of these men as complained of by Dr. McIntyre.

Dr. McIntyre was reprimanded by me, in terms of my minute dated 29th January, 1885, for giving the employer the certificate referred to, and I also directed him as to his conduct on future occasions. I have not had occasion to find fault with other Indian Medical Officers for giving employers certificates, as to the fitness of Indians for labor, similar to the certificate now under question.

With regard to the maintenance of the Isipingo Central hospital, the figures, which appear in the report of the Indian
Immigration Trust Board for the year 1884, I believe to be correct, and the annexure to my annual report for 1884 will also be correct. It was proposed to close the Isipingo Central hospital, but that proposition has been abandoned.

As to the Hill-head estate, we had a great deal of bother some time ago with reference to the treatment of Indians thereon. The sick were not attended to, or they were looked after by the employer, Mr. Labistour, or his overseers, in any way. There were general complaints of ill-treatment, by assaults, by the overseers and sub-manager. This ill-treatment is not now going on: that state of things disappeared on the dismissal of the overseer referred to on page 15 of my report for 1884. I was at the Hill-head estate about two months ago, after the Commissioners visited it; I had nothing to find fault with then.

With regard to the Equeca estate, I was there last week. The estate appears to be clean, in fact they told me that it had recently been cleaned up. I noticed a great improvement. I was satisfied as regards the rations of the Indians on the estate. One woman complained that she had not received rations; but it turned out that she had not worked for two years. I did not examine the water supply, as it is the same as in former years. The woman, above referred to, said that she was ill, suffering from rheumatism; she had not asked for rations for three months, and, from her own statement, it appeared that she was living with one of the mill men. I left a memo for the Medical Officer to examine this woman and to furnish me with a report.

I went to Mr. Sinclair's mill at the Iffafa, and I found two kafr policemen in charge of the estate generally. The Indians were all in their houses, and had knocked off work some three days prior to my visit. The Indians complained of the non-payment of their wages, but not of any assaults. I did not inspect Mr. Sinclair's wages-book, from the fact that the mortgagee, Mr. Louch, had taken that book from the estate. I have, since my return, seen and inspected the wages-book, and I find that the Indians' wages are in arrear for four months up to the date of my inspection of the book. The book was not properly kept, but kept as well as most of the employers keep them.

I found other estates in arrear with their wages, viz., Arbuthnot, Hawksworth Brothers, E. W. Hawksworth, and Reynolds. Their excuse was want of money, on account of there being no sale for their produce, also, in one instance, that the employer could not get a cheque cashed.

When last at Maryville estate I inspected the hospital book; this book was not the same book which the Commissioners inspected—it was a new one, one issued from my office. The doctor's, Mr. Tritton's, prescriptions in this book were made in jek and were legibly written, and due direction as to the administration of the medicines was given. The old book has been returned to Dr. Tritton, the Medical Officer of the circle. I did not inspect the coolie buts on this estate. I met Dr. Tritton there; he was on the estate at the time of my visit; four or five sick Indians were being attended to by him and were receiving medicines.

Under Government Notice No. 448 of 1880, rule No. 41, it is directed that two books, a visit book and a case book, should be kept on estates; the case book only was supplied, as I considered the visit book unnecessary.

With reference to the expenditare for instruments in the
Central hospitals for 1884, the expenditure on this head was only for that year. These instruments comprised amputating cases, midwifery instruments, and instruments generally. These instruments had been previously supplied to the hospitals, shortly after they were established, I think between four and five years ago. The old instruments are retained in the hospital. Instruments are simply replaced as needed from time to time, at the request of the Medical Officer. If a Medical Officer sent in to say that he required instruments, they would be sent to him. The Medical Officer's requisition is not questioned, the instruments are supplied, and this is the case with all applications for instruments.

We have a particular branch in the Protector's office for the examination of accounts of the Central hospitals and for checking returns and expenditure. This branch is presided over by the Assistant Protector. He has had no medical education.

The yearly return of the sick, attached to the Protector's report, is compiled by the Medical Officers of the different circles. I have no one in my office with medical knowledge. With reference to the mistakes in the medical annexure to my report, I cannot admit them as I have no medical knowledge.

The instruments for the hospitals are purchased by the Crown Agents in London through instructions from the Colonial Office here.

The Isipingo is the only Indian hospital, as far as I can remember at present, not supplied with male or female attendants.

As regards the cook at the Isipingo Central hospital, I believe that, at the request of Doctor Greene, seeing the limited number of patients in this hospital from time to time, he had authority to hire what servants he required.

It is the duty of the Government, or of the District-Surgeon, to see that vaccination is carried out amongst the Indians where there is no Indian Medical Officer.

Convicted Indian prisoners are treated in the Indian Central hospitals, especially at Verulam; they are sent in by the Resident Magistrates. As to the custody of a convicted prisoner when in hospital, the Magistrate, I believe, sends a constable who remains with the prisoner until he is discharged.

Within the last five days we have drawn the attention of the Magistrate at Verulam to the fact that he had no right to send convicted Indian prisoners to the Central hospital there.

At my last inspection of the Verulam Central hospital I found three prisoners, who had been sent in by the Magistrate, on the recommendation of the District Surgeon, for treatment. Those patients were suffering from chicken-pox. I presume that they were from the gaol. I cannot say whether they had constables over them; they were isolated.

It has never been brought to my notice that the compounder of a hospital is supposed to be responsible for the safe custody of a sick convicted prisoner from the gaol.

I am aware that there have been complaints from up-country made to the Governor as to the manner in which
the Deputy-Protection of Immigrants conducts his duties, when visiting the different farms. I believe the employers complain that the Deputy-Protection would persist in several times asking the Indians whether they had any complaints or not, in fact that he almost put it into their mouths to complain. As his senior officer, I did not make any enquiries into these complaints. The papers were sent to me from the Colonial Secretary. I forwarded them to the Deputy-Protection for his remarks, and they were returned to the Colonial Secretary with the Deputy-Protection's report. This was last year; since then we have not heard any more about it.

I am satisfied with the way in which the Deputy-Protection does his duties; departmentally, I have had to find fault with him on several occasions. I cannot say from memory what those complaints were.

We had a letter lately from Mr. Gresham, saying that he could not get on with Mr. Manning. We sent it on to the Deputy-Protection. I do not think that it has been returned to my office.

When I get a complaint from an employer up-country, I generally ask Mr. Manning for a report concerning the complaint. I do not remember any reply being received from Mr. Manning in Mr. Gresham’s case; there may have been, I cannot speak from memory.

Grey’s Hospital, Pietermaritzburg, is looked upon in the light of a Central Indian hospital of the Pietermaritzburg circle. The medical officer of that circle has authority to order Indian patients to be admitted to that hospital. Dr. J. F. Allen, the medical officer of Grey’s Hospital, receives no remuneration from the Protector for his duties rendered to the Indians. I presume that, if he felt aggrieved by having to attend to these people, he would apply for remuneration. I think that he should have an interpreter, if there is no one at the hospital who can speak the Indian language.

With reference to the Lunatic Asylum, no applications, to my knowledge, have been made to provide Indian attendants to take charge of Indian lunatics. Indian lunatics are not sent back to India from the Lunatic Asylum; they remain there all their lives, or until they are cured; the expense of their keep falls upon the general revenue, except in cases of indented men, when the employers are called upon to contribute towards their keep. In case of an indented Indian becoming a lunatic, the employer would be called upon to contribute towards his keep in the asylum until the expiration of his contract. At the expiration of his contract, the charge would fall upon the general revenue. There is no return of Indian lunatics to India.

It is a fact that we have, at present, a leper maintained in India at the expense of the Trust Board, owing to the Agent not being able to get him taken off his hands. The cost of the maintenance of that man will go on for life. He was an Indian from this Colony, whose indenture had expired, who returned in one of the vessels, and the Agent could not dispose of him; he remains there at the expense of this Colony. If any other cases of this description should arise, they would be retained in this Colony; it would be a cheaper process to retain them,
I cannot, from memory, give the number of Indians under the last circular, returned to India, but I shall send a return.

I do not think that it would be advisable to give the employer an opportunity of refusing to accept men allotted to him, because the Board would probably be saddled with a number of men, and I do not think that would be right, because the Board simply acts as the agent of the employer. Further, the Agents in India take every precaution to send suitable men. If I were an applicant for Indians, I would feel bound to accept any men allotted to me by the Protector. I do consider the Trust Board only as agent for the applicant, notwithstanding that it deals with money contributed from general revenue towards Indian immigration, that it is a thoroughly incorporated body, and that it is established under Law No. 24 of 1874.

I think that there is sufficient supervision over free Indians at present. They provide their own medical attendance the same as any ordinary white man. Once a man is free, he is exempt from the special law, unless he accepts service and then he is provided with medical attendance. I think that, at the expiration of the Indian's five years of indenture, he is under sufficient supervision.

I have had no applications from Arabs for indentured Indians; we have had Indians indentured to Arabs, but not is any number, and then the Arabs were simply made a convenience of by the Protector.

In applications from employers up-country there have been requests for herdsmen, and these have been allotted. The men are given to understand that they will have to do herding during the working days of the contract, viz., six days in the week. I cannot say if those men would neglect their own stock in their own country on Sunday. The law allows them to refuse to labor on Sunday.

In the case of unlawful absence (section 29 of Law No. 2 of 1870), I have power of extending the contract. We do not always go on this section of the law; but sometimes we proceed under section 35. Section 29 applies to unlawful absence, when a man is at liberty and could return to his master if he chose. Section 35 applies to a man in gaol and who could not return; this section does not apply to a case of unlawful absence.

If, according to the wages book, I find that the employer is entitled to two days instead of one, he should certainly have the extension, but I generally find that the employer is only too glad to get rid of the man without claiming the back time.
PIETERMARITZBURG—FIFTY-SIXTH DAY.

Further examination of Mr. Henry Binns, M.L.C.

By the Chairman:

With reference to the grant of £10,000 from the general revenue, I would call attention to the remarks made by the Attorney-General in the course of the debate last year, and which will be found in the "Hansard." The Attorney-General stated that this grant was to be looked upon as a settlement of a long pending dispute. At the time when the grant was originally made, there were comparatively no coolie employers in the up-country districts. Another important consideration with reference to this grant is that, whereas the first employer has the benefit of the services of the Indians for five years, after that term is completed the Colony has the benefit of the labourers, at least as regards so many of them as again go into service.

I think that the number of free Indians, who are in service in different parts of the Colony, is very much underrated. Indians are employed as house-servants in very many houses in the Colony, and at all the hotels and clubs, and the whole of those may be said to be free Indians. A great deal is said and written with reference to the number of free Indians who are employed with Europeans in various ways, but I believe that the number of free Indians, who are in service in various ways, would about equal the number who are employed as small farmers.

There are very few Indians who came to the Colony under the Immigration Laws who are keeping stores, and the number is steadily decreasing.

It must be remembered that, although the original employer has the benefit of the services of the indentured Indians for the term of five years, for the first year the majority of the men are not physically able to do very much work.

I think that it is necessary that every possible care should be taken that the Indians on board ship should receive the full amount of rations to which they are entitled, and that the system of dieting and providing medical comforts should be carefully watched. From enquiries I have made, I infer that the large proportion of Indians, who suffer from seasickness, require more attention than they now receive.

I am strongly of opinion that debts contracted by indentured Indians should be irrecoverable, either during the term of indenture or afterwards.

It would be impossible that, having regard to contracts now in force and applications now being sent in, the payment of the £10,000 could be interfered with for about six years from the present time.
It would be a great hardship that an employer should pay the whole cost of the introduction of a laborer, indentured for five years only, if other employers had, after that term, the benefit of his services without having incurred any cost.

By Brigade-Surgeon Lever:

I see no objection to the appointment, for the whole Colony, of a Chief Inspector of hospitals and Medical circles.

By Mr. Richardson:

I think that the native of Natal is not sufficiently amenable to system to be a suitable laborer for sugar estates. There is work of a certain kind, at different times of the year, for which natives can be advantageously employed, but for the work of the sugar-house the native is not fitted.

Further examination of Mr. C. Manning, Deputy-Protector of Immigrants.

By the Chairman:

I should like to add that the dislike to my visits of inspection is far from being universal. I have in a copy of two letters, received by me yesterday from employers of Indians up-country. These letters are not of an exceptional character, but the receipt of such letters, and verbal requests of a similar nature, are of daily occurrence.

With respect to my duties as between employer and employed, I refer to section 33 of Law No. 2 of 1870.

I consider that I represent both the Indian and the Natal Government, and that I stand in loco parentis to the Indian immigrant. My principal difficulty with employers arises from irregularity in the payment of wages. Such irregularity of payment is not the general custom, nevertheless I have frequent difficulty arising from such irregularity. I desire to say that such irregularity does not necessarily imply an intention, on the part of the employer, to defraud the Indian, but arises from a want of punctuality; I have mentioned this in all my annual reports. I think that it would be a good system if the Deputy-Protector could, after visiting an estate and there actually satisfying himself that wages are in arrears, make before the Resident Magistrate a deposition to that effect, it being then the duty of such magistrate to issue summons against the employer so in arrears. That system would obviate the loss of time on the part of the Indian and employer; it might not smooth over matters, as between myself and the employer, more than the present system, but it would have the advantage of relieving the Indian from the necessity of signing documents which he does not understand, and which is at present necessary under section 21 of Law No. 2 of 1870.

As to clause 33, I should not like to depute my power to anyone else, because even I, with all the prestige of my official position, am unable to avoid friction with the employer.
I think that, as long as an Indian is sent without choice to any part of the Colony, we are bound to provide him, wherever he be, with good and proper medical attendance, such as can only be given by the appointment of a regular Medical Officer by the Trust Board. I recently had reason to think that, when an indentured Indian fell sick, the employer looked at section 21 of Law No. 2 of 1870, and found that the utmost punishment, which could be inflicted on him for failing to send for the Medical man, would be £10, whereas, in consequence of the distance, each visit of the doctor would cost him £15; he has, therefore, decided to run the risk of the penalty, and to do himself what he could for the patient.

I may add that Medical circles on the coast much more than pay their expenses and, therefore, there is always a fund available for the payment of salaries of Indian Medical officers for those districts in which the monthly payments would be insufficient.

I desire to add that my second difficulty with employers arises from the fact that the scale of rations is not strictly complied with, whole mealies being served out instead of mealie-meal, and the monthly rations such as dholl, ghee, salt fish, etc., not being served out at all. I speak of many cases, but I desire to add that, in lieu of this ration, the Indians often have milk and meat, sheep which die being given to them.

I feel sure, indeed I know, that many employers of Indians are prepared to come before the Commissioners and to testify that my visits to their estates have not caused inconvenience to them, arising from insubordination of the coolies employed by them and consequent on my visits.

By Mr. Richardson:

I keep a register of passes, required by Proclamation dated 19th June, 1863, sections 4 and 5. I have reason to think from knowledge, coming to me unofficially, that the returns required by the Proclamation are not sent in by the Justices of the Peace. Now, the passes are signed by me strictly within the two months provided by the 4th section, but, in times past, passes were signed even in May, and even now I think that Justices of the Peace sign after the expiry of the two months prescribed by the 4th section. I have reason to think that, in some instances, employers of free Indians (for example on the Railway) send the passes of those Indians in a batch, even of a hundred, to be signed by the Resident Magistrate, without the coolies themselves attending before the Magistrate. I am not aware that the master’s certificate of employment accompanies such batch of certificates or passes. I myself refuse to sign unless the Indian be present.
PIETERMARITZBURG—FIFTY-SEVENTH DAY.

Examination of Mr. J. L. Hulet, M.L.C., of Kearsney Estate.

By the Chairman:

I do not think that it would be advisable to allow any debt, contracted by an indentured Indian, to be recoverable at law by the creditor during the term of such indenture. I would make debts, contracted by Indians under indenture, altogether irrecoverable, even after the term of indenture was over.

I should like to make it a punishable offence for one indentured Indian to lend money to another indentured man; I do not consider that this would stop the storekeeper giving credit, as a storekeeper will risk anything. I think that a coolie's wages are sufficient for all his needs.

To a limited extent, I have had inconvenience caused by storekeepers: coolies on my estate are constantly worried by them. The storekeepers come the day following pay-day, to get their money from the men: personally, I have not had any impertinence from these men, when they do not receive their money.

By Brigade-Surgeon Lueer:

As to the compulsory return of Indian immigrants, I am of opinion that they should be indentured for ten years. They should be assigned for five years to one master and, at the expiration of that time, they should have opportunity of selecting a new master themselves for the remainder of the term; if they fail to find another master or if they do not choose to do so, they should be re-assigned by the Protector's department. The rate of wages for the first five years should be as at present, the first master paying, for the introduction of the coolie, a fixed sum of from £3 to £4 per annum as at present, and the second master paying a sum equivalent to the cost of export of the Indian. The wages in the second term should be at an increased rate, as the Indian has then become more valuable. I would allow the Indian, at the end of the first five years to return to India by paying his own passage. I would allow the Indian, at the end of ten years, to remain in the colony on paying a sum, say of £10, for the privilege of remaining; thus becoming a citizen, he would, of course, pay the usual rates and taxes.

I consider that the free Indians, at present in the Colony, are an immense benefit, being largely engaged in agricultural pursuits. I do not think that the competition of the free Indian has interfered, in the slightest degree, with the development of the country by European settlers.

I think that we have gone too far to attempt to stop the progress of the increase of the Indian population. I think that the conditions which I have already detailed, with regard to the future introduction of Indian immigrants, will mitigate any evil which may be anticipated from the increase of the free Indian population in the Colony.
I do not think that, under the present system of native management, kaffir labor can be depended upon to meet the future demands of the labor market, but, should a change take place with regard to the government of the natives, I think that the natives themselves could be brought to furnish a regular supply of labour, which would be an essential benefit to the natives themselves as well as to the Colony. I worked my coffee estate for ten years without a single coolie and I only obtained cookies when kaffir labor failed. As far as coffee is concerned, the kaffirs could, when well managed, do as well as coolies; the uncertainty of their labor was the cause of their failure, such uncertainty entailing serious loss to the owner. I have not tried kaffirs in picking tea, but I have not the slightest doubt that they can be trained. I consider that, generally, a coolie is worth two kaffirs, at the exorbitant rates paid until lately for kaffir labour, that is to say, kaffir wages must be very much lower than coolie wages need be, to make them equivalent in value.

With reference to the £10,000, voted from the general revenue, I am of opinion that, if the demand for coolies continues, this sum must continue to be granted, but, should a certain proportion of the expenses of the introduction and return of the Indians be borne by the second employer, then I am opinion that it would be possible to reduce the grant or perhaps to expunge it altogether.

At the end of the first five years of the coolie’s service he should be allowed, say three months, to look about him for a further engagement, and, should he fail at the end of that time, to arrange with a new master, he should be re-indentured by the Protector’s department. As to his wages for the second period of service, and supposing that his qualifications be of the average kind, he should have an advance of one shilling per month in wages for each year, counting from the time of his allotment to his first master; that is to say, seeing that a man’s wages are fourteen shillings a month for the first year of his service, the sixth year would of course be fifteen shillings, and so on up to nineteen shillings, when he will have completed his ten years industrial service. The second term of service would not be more expensive to the master than the first term; though he pays more in wages, he pays less in introduction, and has a servant who has been trained and is consequently more valuable.

My experience has been that Indians, when they first arrive in Natal, are essentially temperate, with the exception of those who have been employed in other Colonies or who have come from the large Presidency towns in India. My experience of the Madras men is that there is no difference between them and the Calcutta men in the way of temperance. I am very strongly of opinion that the sale of liquor to the Indians should be prohibited, and that the prohibition would be thought no grievance by themselves. Coolies tell me that it is contrary to their custom, in their own country, to drink.

Caste exists to a certain extent, but it cannot exist in a very strong form, because by coming here they have lost their caste. I find no difficulty, on the score of caste prejudices, in dealing with coolies.

With reference to dakkha-smoking, I object most strongly to it; men addicted to the habit become almost mad. I forbid the Indians to grow it, but kaffirs come round and sell it to them. It would be most desirable that the sale of hemp should be forbidden by law.
As to the care of children whilst their mothers are at work and if they are not taken to the fields, I allow a woman to remain in the lines to look after them and she is rationed. I have had cases of children being burned, and one was burnt to death, but the mother was present at the time.

By Mr. Richardson:

There are complaints amongst indentured Indians that they do not get sufficient garden ground allotted to them. I think that suitable pieces of land should be allotted by their masters, to enable them to grow their vegetables.

As to the present free Indian population in the Colony, there is no special supervision at all; it is nothing more than that over the European population of the Colony. I think that it would be advisable, and to the Indians' advantage as well, if there were some supervision by which a register could be kept in every magistrate's office in the Colony, shewing the abode, and the change thereof, of free Indians. I think that a small fee, to be paid by the Indian, would cover the expense of such registration and would be no hardship.

I think that the employer of free coolies should be required to give a return to the Protector of Immigrants of the number and names of all the free Indians employed by him, and that the owners or agents of land, let to Indians, should be required to lodge particulars thereof and to pay a fee for so doing.

It might also be well that the free-Indian locations should be brought under sanitary supervision, and, for this purpose, the free Indians should pay a fee to the Medical fund; they should also be entitled to the same medical attendance which is given to indentured men in the circles.

As to the remodelling of the Medical circles, they must either be divided and more Medical Officers must be appointed, or the Medical Officers at present employed must receive larger salaries and must devote their whole time to the Indians sick on estates.

I do not consider that Indians, on the expiration of their colonial residence of ten years, are exempt from the special laws relating to Indian Immigrants. I think that, under the present laws, before the expiration of ten years, they should not be entitled to the franchise, although they be occupiers of land.

In case the Indian Government refuses to sanction the reinindenture or compulsory return of Indians, I would stop immigration altogether, if I could see that we could get a regular and reliable supply of labor, but not otherwise. I, however, cannot conceive the Indian Government objecting to their reinindenture.

I believe that, if native labor was cheap and reliable, every industry that the Colony is engaged in could be managed and carried on with the raffir labor. I do not think that the same machinery and expense, which has been devoted to the introduction of coolies, if employed in obtaining native labor, would be effectual. For all tropical enterprises you
must have a regular and fixed supply of labor. I do not find fault with the kaffirs, if you can get a reliable supply.

In a letter, written after the above vindicate examination but on the same day, Mr. Halett informed the Commissioners that he desired to supplement his evidence thus:

Regarding re-indenture of Indians, I should be willing to allow them to remain in the Colony after 10 years industrial service by their engaging to indenture themselves for three years longer and then be free to remain as residents. The advantage to the country would be that fewer Indians would be required to be brought out.

FREE INDIANS.—Employers of all free Indians now here should be required to pay an annual amount to the Immigration department, which would go towards introduction of others, and thus lessen the charge upon General Revenue of the Colony. Employers of free Indians at present are advantaged by the amount paid for introduction by first employer.

Free Indians should be forbidden to employ Natives as servants; they, having been introduced at expense of public for labour purposes, should not compete with colonists for the kaffir labour of the colony.

PIETERMARITZBURG.—FIFTY-EIGHTH DAY.

Examination of the Honorable M. H. GALLWEY, Attorney-General.

By the Chairman:

With reference to the question put to me relative to the grant or annual contribution, not exceeding £10,000 per annum, under Law No. 20 of 1874, section 9, from the General Revenue for the purpose of Indian Immigration, I remark:

1. That, on the introduction of Indians under Law No. 14 of 1859, all expenses of introduction were paid by the employers of Indians, three-fifths on the assignment, which was then for three years, and one-fifth in advance on each year of their subsequent assignment for one or two years.

2. The amount payable and the mode of payment were altered by Law No. 20 of 1863. That law enacted that the cost of introduction of Indians, to the employer, should be an annual payment in advance of £2 10s. for each Indian assigned.
3. Under Law, No. 17 of 1864, the term of assignment was increased from three years to five years.

4. Under Law, No. 18 of 1864, the annual payment was increased from £2 10s. to £3.

5. Under Law, No. 15 of 1864, the Governor was empowered to raise a loan of £100,000 for the introduction of Indians, and interest was made payable from Colonial Revenue.

6. Under Law, No. 16 of 1864, it was enacted that the Governor should cause to be paid to the general Revenue, out of the Immigration Fund, “to be established under any Law,” a sum equal to the sum paid out of General Revenue for interest on loan raised under Law No. 15 of 1864, and also to pay from General Revenue into said Immigration Fund, a sum equal to one-half the amount paid by employers for introduction.

7. No alteration was made in the amount payable by employers under any subsequent Law; but Law No. 20 of 1874 authorised the Governor, when the annual payment of £3 was insufficient to pay expenses of introduction of Indians, to increase that annual amount.

8. I am not aware that any law, establishing a fund as contemplated under Law No. 16 of 1864, was ever passed until the Law No. 26 of 1874 was enacted.

9. During this period, from 1864 to 1874, various sums were authorised by the Legislature to be expended on the introduction of Indians, and the interest on a Loan of say £70,000, raised under Law No. 15 of 1864, was paid out of General Revenue, and I believe the amount of the Loan, so raised, was absorbed in General Revenue.

10. The various Laws, alluded to, at least establish these facts. That the General Revenue was bound to contribute one-third of the cost of introduction and to pay interest, subject to a refund, and both these liabilities were, it appears, paid and have been met from General Revenue, and I believe the interest on the Loan, raised under the law of 1864, is still so paid.

In 1874 there was a strong party led by Mr. Ridley, M.L.C., Pietermaritzburg; this party desired to re-establish the principle, laid down under Law No. 14 of 1858, that employers should pay all costs of the introduction of Immigrants.

The Law, No. 20 of 1874, and the other Indian Laws were accepted as a compromise.

The liability to contribute a sum equal to one-half the sum paid by the employers was continued, but limited to an annual sum not exceeding £10,000, and laws were passed empowering the Trust Board to borrow, on security of the General Revenue, a sum not exceeding £50,000.

Two Laws were passed: they were No. 1 of 1876 and No. 19 of 1876, authorising the Governor to raise two sums of £50,000 for the purposes of Indian interest and principal.
guaranteed from general revenue. I believe loans have been raised under these laws and the interest, primarily paid from general revenue, at 4½ per cent., is recouped to general revenue at 5 per cent. from the Trust Fund established under Law No. 20 of 1874, and the control of all sums, so paid from the general revenue and raised by loan, was transferred from the Colonial Government to the Trust Board, subject to the provisions contained in these laws.

I therefore consider that a compromise was affected and the liability of the general revenue, and the amount of liability, established by law.

With reference to Medical fees, Law No. 19 of 1874, is dated 15th January, 1874, and Law No. 20 was dated 12th January, 1874, and it was for the purpose of placing all sums of money, raised under all laws, under this law No. 20 of 1874. Millar's case arose in 1873 or 1874, I think, and that led to the alteration of the law. The law No. 14 of 1875 contains the words, "not being domestic servants"; that was the alteration which was required in consequence of the decision in Millar's case. I contended, at the time, that any alteration in that law, which had the object of not affording to all Indians, introduced into the Colony, medical attendance, was a breach of the Law No. 2 of 1872.

Looking at the question now, with reference to the expunging of the ten thousand pounds, if the Colony agreed to pay for the introduction of the Indian, I do not see why the same practice should not obtain here and Government aid be withdrawn, always provided that the withdrawal be not to the prejudice of rights already accrued under the present system.

The practice prevails here, even now, of employers indenting for Indians as special servants, such as blacksmiths, hotel-servants, and other persons introduced under clauses Nos. 6 and 13 of Law No. 2 of 1870; all expenses of introduction under these provisions fall upon the importer. Such specially imported Indians are nevertheless entitled to a free passage after the expiration of ten years, in the same way as other indentured Indians.

As to the advisability of giving the Protector of Immigrants judicial powers in cases of divorce, I think that such questions should be decided in some inexpensive and special Court for the Indians, and that the Judges of the Supreme Court should not be called upon to decide any cases of divorce, except for the same causes in which divorce would be granted to the ordinary inhabitants of the Colony.

As to the administration of small estates of Indians dying intestate, I think that the administration of such estates might be left with the Protector of Immigrants with advantage, to be administered in the usual manner, and with an appeal to the Supreme Court.

With reference to marriages, I think that there would be danger attending legislation providing that registration simply should constitute marriage, such danger arising from defective interpretation, and, unless the registered marriage in Natal were accepted as valid on the return to India, I consider that it is objectionable to make the registration, marriage itself; perhaps the Indian Government might solve the difficulty by enacting that marriages, contracted and valid according to the lex loci, should also be valid in India.
I think that, although it might be difficult for legislation to actually prevent dakkhaka-smoking and spirit-drinking, still the knowledge, that such smoking and such drinking were prohibited by law, would tend to check the abuse. I have always been of opinion that the law, prohibiting the sale of liquor to Natives, should be extended to the Indians, and principally for this reason, that it is impossible to enforce the laws prohibiting the supply of liquor to natives when the Indians can be used as the very means of supplying them with spirits, in consequence of the insufficiency of a police force to carry out the provisions of those laws, and it is more for the purpose of carrying out the provisions of the law against the Natives that I desire to see its prohibition extended to Indians.

I object to any alteration in the terms of the laws, under which Indians were introduced into the Colony. In my opinion, numbers of the Indians who have been introduced have, in a great measure, provided on the coast for the failure of white immigrants, and have cultivated lands, which would otherwise remain uncultivated, with crops, which are of real advantage to the inhabitants of the Colony. Many, who have not availed themselves of the return passage to India, have turned out to be useful and domestic servants. When the law of 1874 was passed, I went into statistics about the return to India of Indians introduced into the different Colonies, and I found that the average of returned Indians was under thirty per cent. of the number introduced; and, it was in consequence of statistics, that the very small sum of ten shillings per annum was provided in the law, for return passages, which sum, I believe, is more than ample.

With regard to Indians engaged in trade, the natives prefer dealing with them than with the kaffir truck-shop; they say they receive more civility and attention from them than they do from white people. I cannot see that it would be fair to restrict or interfere, in any way, with the vested interests of the Indian or Arab landlord, whether as to the location in which they are to trade or as to the system of trade which they are to carry on.

As to the burning of grass, I do not see any objection to the giving notice of intention to burn, but, as to the right to build within a certain distance of a sugar estate, I think that such cases should be left to the mutual arrangements of the landlords. It is a purely practical question, which must be decided by peculiarities of locality, &c.

With regard to the compulsory removal to hospital and retention there of all sick Indians, this has been the subject of legislation in other Colonies, notably in Ceylon, and I see no objection to its adoption here, provided there are safeguards against its abuse.

With reference to the pollution of streams, I think that any measure dealing therewith should extend to the entire colony, with power to the Governor to make special regulations for special districts.

I think that the Protector’s jurisdiction should be confined to cases between Indians, and should not extend to cases between a white man and an Indian.

I say that the Protector of Immigrants should, most decidedly, be on the Trust Board, as representing the interests of the Government, of the Indians, and of the general public.
I think that there should be a representative of the up-country interests on the Trust Board.

Greater facilities should be given for the return to India of persons selected as immigrants and sent here; some are found to be totally unfit for work and will not work: such men should forfeit all their wages. It is my opinion that there should be more care in the recruiting in India.

The visits of the Protector of Immigrants to the estates should be more frequent than at present, and, if he has no time to visit more frequently, the Magistrate should do it.

By Brigade-Surgeon Lewer:

I am very much dissatisfied with the appointment of the same man as District Surgeon and as Indian Medical Officer, because the discharge of the duties of each office is inconsistent with that of the other.

The doctors should, most emphatically, be the servants of the Government and not of the planters themselves: I mean by Government, independently of the Trust Board and of the planters. I refer to section 2 of Law, No. 14 of 1875, with reference to salaries, as deciding this point.

Twenty years ago I suggested to the Government, the appointment of a Medical Inspector, who should have a fixed office and who should, if required, personally visit the outlying districts and who should supervise the work and receive periodical reports and returns from District Surgeons and Medical Officers of estates. I believe that there should be crown over every body of men to see that they do their duty. I believe that the officers would perform their duties in a much better way, if they knew that they were supervised.

DURBAN.—SIXTIETH DAY.

FRIDAY, 11th DECEMBER, 1885.

Further examination of Mr. J. F. Manisty, Superintendent, Indian and native labour department, Natal Government Railway.

By the Chairman:

I commenced the system of punishment by fines, &c., during the year 1881, and I do not think that any regular record-book was kept till 4th January, 1883; before that, each case was taken down on a slip.

I was the first Superintendent of Indian and Native labour in the Railway department.
I may also say that I commenced this system from the date of my appointment as Traffic Superintendent, during the year 1878. As Traffic Superintendent I exercised the same powers, only more so; I had more power, I was more independent, being the second officer in control on the line.

From the very first commencement, I proceeded to exercise these powers without any definite instructions from the General Manager; there was only a Manager in those days—I am speaking of the year 1878. In that year, 1878, I had read the laws relating to Indian Immigration.

There were never any definite instructions until Mr. Hunter came out; I think that he came out in December, 1880, and he then created my department; the date of the creation of my department was October, 1881. When he created this department, a circular was issued by him for my instruction, and it is under this code, or collection of instructions, that I now act. It has only one clause referring to complaints amongst Indian employees; the substance of this clause is, that all complaints between Indians and Natives shall be dealt with by me; that is all the clause says, and it has been further supplemented by letters from the General Manager from time to time. Trusting to my memory only, I think that the first letter came in May, 1883, from the General Manager, supplying the rules.

A remark made in Court by an Indian, that I held a court in my office, was taken up by the Protector of Immigrants, and the result was an explanation given by me to the General Manager, which went to the Protector through him. I did not see the original correspondence.

The General Manager wrote to me, saying that he hoped that I would be very careful in dealing with the Indians and natives on the line. I think that I received only one more letter from the General Manager, the date of which I cannot give, expressing a wish that only such cases should be sent before the Magistrate as I felt that I could not deal with departmentally. I can give the date of that letter hereafter. In my letter to the General Manager of the 25th November, 1885, I referred to the power so exercised by me in terms of his letter.

I have read the Natal Government Railway Law, No. 9 of 1882. I see clause No. 7; I see clause No. 37. I do not think that more than one or two cases are on record of my having fined indentured Indians, certainly since May, 1883.

I turn to my "case-book," date 15 11-83, "Rungiah, deserter, fined 2s. 6d. and placed in hospital 4 days; Bongee water." I cannot say whether Rungiah was an indentured Indian or not.

I turn to date 11-7-84, "Gopesh, reported being drunk and incapable of duty; locked up in hospital until sober; sent to Goods shed for one month; fined ten shillings;" this was a free man.

I turn to date 22-8-84; Soobrayudu, there mentioned, was, I think, an indentured Indian. The 28th of August was a Thursday, and I ordered him to be locked up until Monday, which was practically a confinement of five days.

I turn to date 20-11-84, "Seerungacherry: being absent from work, was found at the Umgeni by the police: to have a good application of mustard and sand." The mustard and sand is a prescription of Dr. Bonnar's, and the mustard
and sand is rubbed into the man; the doctor looked upon the treatment as a sort of tonic; it causes no pain to the man; this is a very old-established treatment. The man lies on his stomach and the mixture is rubbed into his back by a hospital attendant; it is rubbed in dry. I do not know if this treatment has ever been inflicted. By a good application, I mean the application to his back and legs, simply rubbed all over him.

I turn to date 21-11-84, "Murugasen, charged by the sidar with refusing to work and attempting to strike him: stripped and sent to hospital cell for a week."

By "stripped," I mean simply his own clothes taken off and the hospital clothes put on.

"Hospital cell" means that he is to remain in the little room all the time, excepting during meals; and, in that case, it was for a whole week. I cannot say whether it was carried out, although it was intended to be.

I turn to date 28-1-85, "Ramsamy, goods' shed. Absent without leave. One week in Hospital." He would lose his pay while in hospital, for a week.

In all cases where a man was sent to the hospital, it involved stoppage of pay when there.

As a matter of fact there were two systems of fines, one, where the fine was express, and the other, where it was not express but it accompanied the order to go to hospital.

I turn to date 7-3-85, "Bastian, drunkenness: hospital for one week" — "disposing of rations, for another week."

The two weeks of punishment followed each other. With regard to this man, when in hospital, he received his wages for both weeks; if we had not put him in hospital, he would have starved.

I turn to date 16-4-85, "Mariappen, absent from work from 9 a.m. to 11 a.m.—Six strokes with schambok administered over posterior."

By clause No. 37, of Law No. 9 of 1882, I see that even a Resident Magistrate would not have the power to chastise a child, save for that clause.

With reference to my mistake, I can only say that I have acknowledged my errors and indiscretion in my letter to the General Manager, and that what I did was not for my own interest but for the good of the service.

I believe that this boy, Mariappen, is eighteen years of age. I may say that he has been, without any exception, the most provoking character on the railway; always absent, always drunk, and everlastingly being brought up by those who employed him.

I inflicted the chastisement myself on the boy, on two occasions; one was about two months after the first. Both of these inflictions are recorded in my "case-book"; I think that the date of the first was 16th August, 1885. The account, which he gave to the Protector, with regard to the mode of infliction is incorrect; it was given over the trousers; the instrument used was my riding-whip of hippopotamus-hide; it is very small and very short; with refer-
ence to this occasion, I again state that it has given me great sorrow; I am very sorry.

There are no bye-laws in which the General Manager has put down a scale of fines; he has left that to my judgment.

The legal pay of a full-grown, adult, indentured Indian, is from ten shillings to fourteen shillings a month, but, when an indentured Indian holds a special post, such as pointsman, breakwinder, gatekeeper, &c., he invariably receives an extra rate of pay.

With reference to indentured Indians, I know what special fines are allowed by law to be inflicted by the employer: I have very rarely exceeded those amounts, when fining men.

I read the 45th section of Law No. 9 of 1882: these fines have been always deducted from the pay sheet. I have never been asked to make a monthly statement of fines, the amount of which should be remitted to the Colonial Treasury.

I know nothing about section 45 of Law No. 9 of 1882. The monthly expenditure of the railway would be lessened to the amount of the fines.

I have not inquired into, and disposed of, cases of assault amongst Indians; I have not, as a rule, but I may have done so in one or two cases.

On 27th April, 1885, I enquired into a case of an Indian exposing his person. The punishment was, "placed in hospital on spare diet." I dealt with that charge; it was a trivial charge.

I have enquired into cases of desertion, and of absences without leave, drunkenness, &c.

I do not think that I have adjudicated in cases of theft.

I am afraid that I have been inquiring into, and disposing of these charges, somewhat in excess of what was intended, with reference to the limit placed upon the General Manager's power, by clause 7 of Law No. 9 of 1882.

The system of putting men in hospital, as punishment, originated from myself. The idea is my own, because there is no other place in which to put them.

They never had bannister; it was simply told to the man when brought up. His personal liberty was taken away, and he lost his pay, nothing more; the punishment was not inflicted, except that he was put in hospital.

With reference to the rubbing in of mustard and sand, I say that it was looked upon as a simple thing, and it originated with the doctor himself, who, as I have said, thought that it was a tonic, and it was given to lazy men, men who were malingering.

I do not know how managers of estates deal with malingering.

There has been only one case of the application of this mustard and sand, about two years ago. Dr. Bonnar had nothing to do with that particular case. The idea came from Dr. Bonnar to me by his prescribing it. I think you will
find such a prescription in his old books. I certainly have seen one of his prescriptions of that nature.

Taking Law, No. 9 of 1882, into my hands I say that I now see that I have, with respect to such cases of absence without leave as come under the proviso of section 7 of that law, been exercising powers which that law does not confer either upon the General Manager, myself or any other person in the railway department.

There has never been an appeal from my judgment to the Governor in Council.

I have often asked the men, in cases which I thought serious or more than ordinarily serious, whether they would be fined departmentally or tried before the Magistrate.

These fines were always paid, that is to say, they were deducted from the wages. In every case the man had wages, from which the fines could be deducted.

I never found cases in which the men grumbled at the decisions; they were only too anxious for me to dispose of the cases myself.

I would like to remark that this book was a voluntary record of my doings, and the very fact that I kept it may be taken as shewing the bonâ fide character of my dealings.

This is the very first time I have ever seen the Protector of Immigrants in the Railway Hospital, and I am certain that, had the Protector visited a little oftener, all this would have been avoided and his suggestions would have been attended to.

When he did come to my office, everything was open to him and he saw everything, and I refer to what I have said previously, showing that the Protector of Immigrants was, in May, 1883, aware that I was dealing with offences. It is very evident that, if the Protector had come and seen the hospital oftener, he would have directed me as to what I should do.

By Mr. Saunders:

I do not know that the Medical Officer, unless his attention was called to it, would notice those men who were in hospital for punishment.

I thought that it was extraordinary for the Protector of Immigrants to request the absence of all Railway officials, when he was taking the depositions of the men in hospital.

By Brigade-Surgeon Lever:

Dr. Bonnar, senior, prescribed the mustard and sand: his son is now our Medical Officer, but he has never alluded to the prescription of mustard and sand nor ever used it. It was a few months before Dr. Bonnar, senior, became of unsound mind that he used it. I did not satisfy myself that the man, to whom the mustard and sand was applied, was a fit subject to bear such treatment.

The sick men in hospital lose their pay when under medical treatment.
The expenses of the hospital were increased very much by the admission of prisoners for punishment. The hospital attendants would have to look after these extra men.

I am not aware that buckets were placed in the corner of the room used as a lock-up, in which the prisoners could obey calls of nature.

I certainly do not think that a hospital is a fit place in which to lock up drunken and noisy men; such locking up would not, I think, prejudice the sick, as it was so infrequent.

I do not know that women were placed in this room. I cannot remember that women were placed in the room. A woman, if sent to the hospital, would go to the woman's ward, not to the cell. Men and women, certainly, to my knowledge, were never locked up together in the cell.

I do not think that there has been more than one man locked up there at a time, and then only for a few hours.

The dispenser would see my orders, as to punishment, carried out.

There was no occasion to detail any person to visit these men, so confined.

I cannot, from memory, remember a single case of a man being locked up for more than an hour at a time, at one stretch. I do not think that on any occasion the key was turned in the lock, except on the occasion when it was said to have been so turned, when the Protector came in.

With regard to the nutritious value of cunje-water to sustain life, I have never determined it, as it was never meant to be given; it was simply a threat held out to the men, and cunje-water has never been made, nor do they know how to make it.

Mr. Hammond, my chief clerk, has, when I have been off duty, given orders regarding men, but I do not think that he has ever ordered any punishment.

The Indian Medical Officer, in charge of the Railway hospital, has never protested against the ward in the hospital being used as a lock-up.

The reason why the window of the small room in the hospital was screened, with corrugated iron sheets, was to prevent food being given to the patients, as the room is really a ward for patients. This particular window is so screened, because people can come round, without fear of detection, and hand in forbidden articles.

The man, Emam Sahib, who was punished for breaking a rule of the hospital, was a patient there at the time. I cannot recollect whether I consulted the doctor, whether cunje-water was the proper thing for a patient under his treatment; but I can confidently state that no cunje-water was ever given; they did not know how to make it.

I ordered punishment which I could not inflict, simply as a matter of threat.

I do not know the name of the Magistrate who remarked that a case was too trivial to be brought before him, or who used words to that effect.
Men have been put into hospital who have come out of gaol, although not sick, only for a few hours, because they had no place to go to; they were men locked up, to prevent them escaping or deserting again.

I think that there was one case, a man named Jhori, who was so locked up to prevent his escaping, because, on a previous occasion, he had bolted before he could be returned to his proper station.

By Mr. Richardson:

I think it very advisable that the department should have the power of locking up bad characters, who are awaiting transfer from one station to another.

The Superintendent of Police, Pietermaritzburg, objected to the locking up in the Police station of men from the railway, saying that the Police station was only for the borough. We had the same objection raised by Superintendent Alexander, of the Durban Police, but we got over that. We are, however, still dependent on his good will in locking up men against whom charges are preferred. If these Superintendents refuse to lock up railway men, we would have to retain them ourselves, and for this there appears to be no legal authority.

The small room reported to have been used as a lock-up, at the Railway Indian hospital, Durban, is inspected this day.

The entrance to the room is the second door on the left of the passage from the front entrance of the hospital. Its dimensions are 6½ ft. by 6 ft. by 7 ft. high. There is a ventilator in the roof. There is a window, about two feet square, which is secured by three iron bars, and, on its outside and at the distance of about two feet, there is a screen of corrugated iron carried up to the upper part of the window; this screen prevents, we are informed, food and other articles being handed in to the inmates.

The cooking of rice and dhall, for the sick, is going on at the time of our visit; the food is inspected and found to be of good quality; this is the only diet being cooked.

DURBAN—SIXTY-FIRST DAY.

Examination of Mr. W. Rockey, Dispenser.

By Mr. Saunders:

I am Dispenser at the Indian hospital, Natal Government Railways, Durban. The date of my appointment as such is 16th June, 1884.
I am aware that enquiries have been made with reference to the locking-up of men employed on the railway. Men punished, as recorded in the "case-book," and ordered to be locked-up for a certain time in hospital on cunbee-water, are handed over to me and left entirely on my responsibility.

The term, locked-up, is not, strictly speaking, correct; it simply means that these men are confined within the hospital grounds, until they are sent to work. The term, cunbee-water, is also a misnomer; cunbee-water, pure and simple, has never been administered during my term of office.

I generally give them a full allowance of rice, and, although they should not have curry, they have also had a small quantity of that given to them.

I retain these men, and feed them in the way described, on the authority of the Superintendent of Labor: it is beyond my province to say whether the General Manager is aware of this.

I receive my orders from the Superintendent, sometimes written, sometimes verbal.

It never struck me to look upon the hospital as a prison; I never understood it in that sense. We have no proper lock-up or means of retaining men. I take the instructions, "so and so, locked up for eight days in hospital," to mean that the person concerned should be merely confined within the hospital ground. I am generally locked upon as responsible for retaining the man for the eight days, but we never have the least trouble.

I am aware that the Protector of Immigrants said that he found some men locked-up. I was away at the time, at lunch, and I did not know of it. On inquiry, the Indian attendant stated that he had locked them up during dinner-time; they were not locked up when I was there a short time before, and I gave no order to that effect; it was a very unusual thing to be done. I was not able to get a satisfactory explanation from the Indian attendant; that attendant's name is Rengasamy, he is employed as a day-attendant at the hospital.

When the doctor pays his visit, he is generally shown only those men who, I consider, require special attention, and he may practically know nothing at all about those men referred to, who are kept in hospital for punishment.

We have no regulations issued specially, applicable to men placed in my charge for punishment. The Indians, placed under my charge in hospital, have never demonstrated on account of their confinement when not sick. I have generally found them very obedient.

I can say nothing with respect to what took place before my time.

I am unable to give any opinion as to the legality of these acts. I received orders from superiors and no remonstrance was made.

The Protector of Immigrants, as far as I know, has not been at the hospital since I have been there.

I was about the premises at the time of the Protector's visit, but at his, the Protector's, express wish, I left the room. He did not wish me to attend while evidence was
being taken. He did not give me any opportunity of making an explanation relative to the complaints made. I tendered an explanation of a very simple case, which was being garbled, and he refused to hear me, saying that I would have an opportunity, later, of replying to statements.

By Brigade-Surgeon Lever:

As dispenser in charge of the Indian railway hospital, I have never had any definite outline as to what my duties are. As dispenser in charge, I consider that my duties are equivalent to those ordinarily performed by a Superintendent of a hospital. On receiving a patient, I do what I consider necessary to meet the immediate requirements of the case, and, should necessity arise, I send for the Medical Officer. If a man comes in with a stomach-ache, or under the effects of drink, it such may be termed diagnosis, I generally judge what it is necessary to give him. At one time the Medical Officer did not attend unless I sent for him, and I had, to the best of my ability, to treat simple cases. The doctor now visits every day, and I am not now called upon to treat such cases.

I did not receive any specific instructions as to my duties as custodian of prisoners in the hospital. I have never thought properly concerning this matter, concerning persons sent into hospital, to be in my custody, who are not sick.

Urinal buckets are placed in every ward for patients, for night use. I do not know that these buckets have been left in the room during the day, in that particular room.

There was a little change made in the ordinary diet of those men who were confined to hospital, but very little, the only alteration being the diminution in the amount of their curry.

Returns are sent out every day, to the various departments, of the persons who are in hospital, and, when these men are discharged, they are notified on these returns; consequently, I was aware of the period during which these men were to be detained in hospital.

There is also a practice, which I believe is a rule, to send to hospital men who are awaiting transfer to other stations, and who have recently been discharged from prison. This is done because it is generally necessary to send them by the early train, and it is the only way to keep them under our eyes. It has never been necessary to put them under lock and key. I do not think that there has been any overcrowding on account of sending such men under custody to the hospital.

I remember a case of whipping, that of Mariappan: I assisted in the process, in that I held the boy's hand very slightly; I did this voluntarily. I did not count the number of strokes inflicted. The instrument used was a small riding whip. He was whipped on his buttocks, with his trousers on. I cannot say whether he went to hospital after receiving the flogging, as the book, extending to that date, is not with me. I made no examination of the boy's person after the whipping; it was a mild whipping. I believe that he went into hospital after receiving the whipping. I know that the boy had been in hospital previous to the whipping, when he was suffering from venereal disease. I do not know that the boy had two usings; I was present only at one.
The Superintendent of Indian and Native Labor called on me to reply to the depositions, made by certain Indians as to their diet in hospital and other charges or statements. I did not refer that request, made by the Superintendent of Indian and Native Labor, to the Medical Officer in charge of the Railway Indian hospital, for his consent or approval.

A room in the hospital yard, built of iron, has never been used as a room in which to place men under punishment.

We have at the hospital scales and weights for weighing rations. I issue the rations to the attendant, and the attendant issues them to the cook. I am the storekeeper of the Labor Department. I issue all rations according to the number of patients: I see the rations measured; they are not weighed, they are handed to the hospital attendant who, as I have said, issues them to the cook. The attendant is present and I am there, frequently, to see to the division of the diets after they are cooked. With regard to mutton, milk, chicken and other extras, they are in my custody. We have sure grounds for thinking that the rations are used in a proper manner and that each patient gets his proper allowance, because I personally so frequently see them served, and because the cook is a Calcutta man and the daily attendant is a Madrassee. I think that our present cook is a competent one.

Examination of Dr. G. L. Bonnar, junior.

By Mr. Saunders:

I have been in charge of the Indian railway hospital since the month of September last. I visit the railway hospital every day, except Sundays.

I have heard that the hospital has been put to improper purposes, but I have only heard this second-hand. I was one day talking to Mr. Mason about the space in the hospital being too small; I particularly mentioned one of the rooms in which I saw, I think, two or more men, and I remarked to him that there was not room enough for one; that room was 6 feet by 6 feet by 7 feet high. He remarked to me that not only was it used as a sleeping-room but as a strong-room: this is the only reason for my supposing that the hospital is improperly made use of. I know nothing to justify this charge.

I have often mentioned that there should not be so many patients in that room and other rooms also.

I never saw any of them locked-up, and I have never had reason to believe, from anything said by the Indians, that they were locked-up.

Assuming that the interpreter interpreted correctly, I have no reason to think that any harsh system has been practised, and certainly no complaint has been made to me.

I made no remark, which I can remember, concerning the Protector's statement, except that I had often noticed the size of the rooms and that larger accommodation was desirable.
I knew that the investigation was going to take place, and I made my report on the hospital, dated 9th October, 1885. When I heard this statement from Mr. Mason, I was very much astonished, as I had no reason to suspect it.

By Brigade-Surgeon Lever:

In going round the hospital I always ask what fresh cases there are, and I enquire generally into the treatment of the previous patients. There are trivial things, such as a slight cold or anything of that kind, which might not require my attention, and which I would not be called to see.

There is a small room in the hospital grounds, in which I have performed post-mortems. I have never seen any patients in it, nor have I visited it except to make a post-mortem.

I do not think that it is possible that healthy men, confined in hospital, could be hidden from me, because my visits are so irregular, and I should come across them.

My attention has never been drawn to any drunken or disorderly disturbance in the hospital.

Apart from his duties of compounding medicine, the dispenser has followed the rules, established by my father, in carrying on the hospital work. He is permitted to act as dresser and to administer certain simple mixtures, which are kept made up, with the doses appearing on the bottles. I have never given him any instructions to diagnose, or to prescribe. I am not aware that he has taken orders, as regards medical treatment of patients, from others than myself, I mean from non-medical persons.

I have heard complaints made by patients, both as to the quality and quantity of the hospital diets; I heard them through Mr. Mason and not from the patients. On cross-questioning the patients, I ascertained, from two of them, that the d Howell was bad, and from several of them that the quantity of rice was not up to the scale prescribed for them.

As far as I could make out there was no justification for making these complaints. I visited the hospital several times at meal times, when they were unaware of my coming. I am not certain if there is any weighing of rations, but both Mr. Manisty and Mr. Rockey have told me that patients get the full Government allowance.

With regard to the deposition of Moonasamy, made before the Protector, I see, according to my case-book, that he was frequently visited by me; he was ordered soap and milk on 15th September, 1885, by my father, Dr. L. Bonnar, and frequently afterwards by myself, as entered in my case-book.

Sundarsing was seen by me nearly every day; he was one of those chronic cases; he was placed on cow’s milk on 5th October, 1885, and on 6th October he was ordered port wine. On the 12th October he was ordered stimulants.

With regard to Appasamy Pillay’s case, it was one of burning feet; I have nothing particular to say about this case, except that I have the word of Mr. Manisty, and of Mr. Rockey, the dispenser, that his food was the Government allowance and that he was in a fit state to use it.
I got samples of all the food they were eating at the time the complaints were made, I cooked some of the food, ate it myself, and it compared very favourably with the same class of food which I had ordered from a first-class coolie store in Durban, in order to make a comparison.

Referring to David’s deposition, which has just been read to me, I have seen that man nearly every day on which I have visited the hospital. On one occasion when he was complaining about his food, I examined the rice and the food which he was eating; he said, “I cannot eat this, it is no good”; on examination I found it to be good, but, as he was suffering from indigestion, I ordered him milk and sago for two days. He admitted that the food was good, but that he could not eat because he had no appetite; consequently, the complaint made by him, finding fault with the food, is false.

With regard to Ramdeen’s case, if his general health was good, he would have the ordinary Government rations, and I have no record in my case-book of extra diet being prescribed for him; it was not necessary for him. The Government ration includes much more than he specifies in his deposition.

With regard to Nagali’s case, it did not take place in my time.

With regard to Palane Moodeley’s case, I have seen him nearly every day since he came in. I have regularly dressed his leg myself; as to his rations, I put him on chicken-broth and chicken, the chicken-broth is entered in my case-book.

It is impossible that an Indian could be brought into the hospital and be locked up for days at a time, if, by locking-up, it is meant that the key is turned upon him. I would be sure, within the time specified, to come across this man and others similarly situated.

With regard to the deposition of Shunderat, a free Indian, which has just been read to me, his report of his diet would quite disagree with the diet supplied to the patients on the days when I went there and inspected the rations. With reference to locking-up, I merely repeat what I stated in the former case.

As regards the statement of the four women, the remarks which I have already made, as regards diet and locking-up, apply to their cases.

As to the report, on the depositions made by certain Indians under treatment in the Railway hospital, furnished by Mr. Rockey, the dispenser, I, as Indian Medical Officer in charge of the Railway hospital, did not authorise him to write such a report. I am not responsible, in any way, for this report; I gave no instructions that it should be furnished, nor was I aware that it was furnished.

I know nothing of a prescription of mustard and sand, beyond bearing that my father at one time, at the coolie barracks at the Point, prescribed it; it was for burning feet. I never heard of my father prescribing it as a tonic or to revive a drunken man: it is never used now.

I know nothing about the whipping of Mariappen, and it did not occur during my time.

I am not aware that the expenses connected with the
dieting, washing of clothes, &c., of men said to be confined in hospital for punishment, increase the expenses of the establishment.

It has never come to my knowledge that cruelty of any description has been practised by any of the Railway officials.

By Mr. Richardson:

I have never noticed a urinal bucket in this small ward. I have inspected the urinal and water closets close by the hospital, and I have found them in a very clean and healthy condition.

When special diet is ordered for a patient in hospital, such special diet is continued until countermanded by me.

I am, on the whole, satisfied with the attendance in the hospital, but, on one occasion, I found that fowl, which had been prescribed by me, had not been given, and the excuse was that there were no facilities for cooking it. I took steps that this should not recur, and, in frequent visits to the hospital, I have specially inspected the food of those who are receiving special diets.

I do not know whether the rations at the hospital are weighed or measured, but, from the rations I have seen, I am of opinion that they are of the proper quality and quantity. I do not know whether there are any scales or weights at the hospital, so that the rations can be weighed.

I have never seen enceee-water in the hospital, and none of the inmates have ever complained to me of receiving it.

The report on the railway hospital, to which Dr. Bonar, Junior, referred in the above evidence, is as follows:

Durban, 9th October, 1885.

Medical Report on the Railway Coolie Hospital, Durban.

During the period which has elapsed since I have been engaged in the capacity of Acting Medical Officer of the Durban Coolie Circle, I have had under my charge the above Hospital, and beg to submit the following statements in connection with what has come under my observation and been the subject of my special investigation.

Food.

The food supplied to the patients in hospital I have made a special subject of examination, and with the following results.
The hospital diet for ordinary cases is ample, and consists of the following:

**Breakfast.**

- Rice ... 10 ounces
- Fish ... ½ "
- Dholl ... ½ "
- Oil, sufficient quantity

Prepared with onions, tamarinds, chillies, curry powder, and garlic if necessary.

**Dinner.**

- Rice ... 10 ounces
- Fish ... 1 "
- Dholl ... 1 "
- Oil, sufficient quantity

Ditto.

**Tea and Supper.**

- Rice ... 10 ounces
- Fish ... ½ "
- Dholl ... ½ "
- Oil, sufficient quantity

Prepared as before.

All of these are of good quality.

Besides the above, extra articles of diet, such as mutton, fowl, arrowroot, sago, bread, milk, &c., are supplied as I give instructions, and are of good quality.

As regards quantity, I have been satisfied that sufficient is given. Only on one occasion have I found my orders had not been exactly carried out; but a difficulty about the cooking accommodation was explained to me with seemingly good grounds. That a hospital such as this should not have proper facilities for the necessary cooking for patients is a matter which I beg to submit should be corrected.

**Accommodation.**

The number of patients in hospital far exceeds that which, under the most favourable ventilating arrangements, is compatible with comfort and health, considering the accommodation provided, and I would in the most forcible manner beg to draw attention to the following facts. The space provided for patients consists of five rooms; and a temporary construction formed of a tarpaulin on supports. The cubic space allotted to each man, taking the number of occupants who were located in those five rooms on Wednesday, the 7th instant, as an average, is only 250 (two hundred and fifty) cubic feet per head. This, I hold, is of itself sufficient to retard, if not injure, the results of treatment, and I would strongly recommend that eight hundred cubic feet per head (more than three times the present accommodation) be the very least allotted to the patients.

I may say that the English Army Sanitary Commission state that twelve hundred cubic feet should be allowed each patient in hospital, and the committee appointed to consider the cubic space of the Metropolitan Workhouses consider eight hundred and fifty cubic feet as requisite.

These measurements, it should be remembered, are made with reference to buildings whose ventilation is of the best, and where the climate of England is of a much lower temperature than here. I would further state that one of the Hospital rooms of the Railway, known as the strong room, and which measures only about three hundred and thirty-
five (335) cubic feet, is appointed to accommodate two individuals. During the day I have certainly seen more than that number in it, and under such miserable hygienic arrangements it is impossible to expect the best results.

**Condition of Rooms.**

The rooms are kept in a cleanly and most satisfactory way.

**Urinals and Waterclosets.**

There are three waterclosets and two urinal pails. These are attended to thrice daily, and are well kept.

The water supply is satisfactory.

**Geo. Lindsay Bonnar, Jr.,**

Acting Medical Officer for
Durban Coolie Circle.

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Examination of Dr. J. E. Neale, of Durban.

**By Mr. Saunders:**

I was acting for the Medical Officer of the Indian Medical Circle of Durban from, I think, the 6th of June to the 8th of September, 1885, and during that time I visited the Railway hospital every day, certainly on five days out of six.

I never knew that any men were detained in hospital who were not sick. I visited frequently and I think that I must have seen all the men in hospital: they were mustered every morning. I had no reason to think that men were detained illegally.

I have seen, it is true, cases where men were put in a small room; for punishment for drunkenness. I have no reason to believe that this was abused.

I have never had any reason to believe that the hospital was used as a lock-up for other than medical cases.

I was very satisfied with Mr. Rockey, the dispenseer there, and I found him zealous and always ready to do what was ordered and necessary; he took a personal interest in the cases, more even than he was bound to do.

**By Brigade-Surgeon Leever:**

I am aware of a little room in the Railway hospital-building, described as about six feet square and seven feet high. I saw patients in that room during the time I was in charge of the hospital, and I used to put in that room cases, in which I had performed operations: it was one of the ordinary dormitories of the hospital. I saw this room every day and it was always available for the sick. I saw it daily; the door was never shut, and I never heard that this room was used for the confinement of men who were drunk or disorderly or sentenced to confinement. When I saw patients in this room, they were men under medical treatment and suffering from some ailment or other.
I do not think that more than two patients were placed in
this room at a time, but I was not there at night time and,
therefore, I do not know how many men slept there.

I never found this room locked up.

I made a rule of visiting every part of the hospital every
morning. I never saw any men in the hospital who were
not fit inmates for it, as being sick.

Referring to what I now understand to be the object of
the enquiry, viz., that the hospital is used as a lock-up for
men under punishment, who have been sentenced to con-
finement and cunee-water, I say that I never saw anything
to warrant such a supposition, and, if there were such men,
they must have been deliberately removed from the precincts
of the hospital during my visit.

I never allowed the dispenser to use his discretion in sub-
mitting cases to my opinion. I saw every man in the
hospital, but did not, of course, minutely examine chronic
cases which I had seen the day before.

No complaint was made by the patients as to the quality
of the hospital food; there would be a grumble or two
when, for medical reasons, I had to modify the diet, but
they got more nourishment in a different shape to make up
the deficiency.

I know nothing about a case, in which a man was rubbed
with mustard and sand. I have never heard of such a pre-
scription being used as a tonic.

If it had come to my notice that the inside wards of the
hospital had been used as places of confinement for
prisoners, I should certainly have protested to the General
Manager of the Railways.

With regard to the whipping of the boy, I was not en-
gaged at the Railway hospital at that time.

By Mr. Richardson:

I remember the case of Shere Ali, an Afghan; he came
in with dilated bronchial tubes and an offensive expectora-
tion; he was quite a month in hospital and was discharged,
at his own request, to perform light duty.

I cannot say if salt is always used in cooking the rations
of Indians, because I know nothing of the internal cooking
arrangements except that I saw the rations whenever I was
in hospital, and they always appeared to me to be of good
quality: I never heard that a patient threw away his ration,
as unfit to eat.

By Mr. Saunders:

I had no reason to suspect ill-treatment of the men in the
hospital; every facility was afforded to them, when I was
there, to make complaints, which they never did. I have no
reason to believe that the Railway hospital was ever abused;
on the contrary, I always complimented them on the way
the patients were treated.
Further examination of Mr. J. F. Manisty.

By Mr. Richardson:

For ten years, before I came here, I had between two and three thousand Indians under me, in all sorts of capacities, such as horsekeepers, drivers, and all men usually appertaining to an Indian postal establishment. This was principally in Scinde and Central India. I fined them whenever they were reported, or caused their immediate employers to dismiss them.

It was entirely a Government establishment. My authority for so fining them was self-authorised, and no question was ever raised, as on me lay the responsibility of maintaining order and efficiency. I was not allowed to imprison, with or without spare diet, except when I was in Scinde, where I attained the powers of a junior magistrate for dealing with petty cases pertaining to the Department.

Although the Protector of Immigrants was cognizant of my dealing with offences, and although a correspondence ensued on the subject in May, 1883, he has never paid a visit to the Railway depot or hospital.

The Protector of Immigrants was aware that I was in the habit of fining assigned Indians who were in the receipt, from the Railway department, of pay in excess of their legal rates. There has been no further correspondence on the subject since my letter to him of the 15th May, 1883. At that time I was in the habit of sending men to hospital as a mode of punishment, but, in nearly all cases, the sending to hospital arose because the men pleaded illness.

The bye-laws, spoken of in the General Manager's memo of the 8th May, 1883, have never been drawn up; such bye-laws, if drawn up, would naturally have been drawn up for my guidance in dealing with Indians and Natives.

In my evidence last night I mentioned that I had ordered the application of mustard and sand to the man named Sennugacherry, but, on inquiring at the office, I find that the remark in the "case-book" is, word for word, the instructions of Dr. Bonnar, given to the dispenser by Dr. Bonnar verbally, for application to this particular man on this particular occasion. The man was a confirmed malingerer and he pretended to be subject to epileptic fits.

I find that I have not, on any occasion, ordered mustard and sand to be applied; it has always been prescribed by the Medical officer. I cannot name any other cases in which the doctor has so prescribed it, but I know it has been so prescribed and applied.

With reference to the case of John James, who deserted and was absent nine months, he was taken before the Magistrate on his return, but the case was dismissed. I can only suppose that the Magistrate declined to punish, because the man gave himself up. We charged him with theft of sundry articles, being Government property, but the Magistrate declined to deal with the charge; he gave no reason for so doing.

The rations at the hospital are served out for the day by the dispenser, and it is almost impossible that the attendants could give short quantity of food without detection. The hospital attendant is a Madrassee and the cook is a Bongalee,
and the mixed nationalities of the patients would, I think, check any attempt to give short quantity.

I have no doubt that the patients do get the medical comforts ordered by the doctor, because the dispenser sees to that personally.

I have frequently been at the hospital when the food was being served out, and I found it very good. I consider that the dispenser is thoroughly trustworthy, when carrying out these matters.

By Brigade-Surgeon Lawer:

I had no idea that I was transgressing the law, in very many instances, in sending men to hospital for a few days, and my "case-book" is a very poor reflex of what actually occurred, as it is merely a memorandum, of the crudest nature, for my own guidance and reference, and is, in fact, a book which I am not compelled or instructed to keep.

I have no hesitation in saying that the hold, which I have kept, over the Indian employees has been most beneficial; it has kept the men to their duties and to working with due regard to the safety of the public.

I certainly do think that some special arrangements should be made for dealing with the Indians and natives on these lines, as it is impossible that all cases, such as I have had to deal with and dispose of, could be satisfactorily and promptly dealt with, if taken before a Magistrate.

With regard to the memo. of the General Manager, dated 21st May, 1883 (No. P H 1862-1863), I wish to remark that, with the exception of one or two rare cases, I have carefully carried out the instructions contained in that memo. with reference to infliction of fines. Whenever a fine was inflicted on an indentured Indian, who was in receipt of his bare indentured pay, it was only in a very aggravated case, and after giving the man the option of being sent before a Magistrate or being fined by me, and he elected for the latter.

By Mr. Saunders:

When this correspondence occurred in May, 1883, the Protector was not aware of men being sent to hospital for punishment.

I am not aware that these rules, dated 7th September, 1883, have been posted up.

DURBAN.—SIXTY-SECOND DAY.

Examination of Mr. A. R. Dunning, interpreter.

By Mr. Saunders:

I was present and interpreted for Mr. Mason, the Protector of Immigrants, when he paid a visit to the Railway
Indian hospital on the 25th day of September, 1885, and took the depositions which are the subject of this inquiry. I merely acted as interpreter and have no knowledge of what led to the visit.

We were interrupted by a knocking at the door, which at once drew the attention of the Protector. As soon as the knocking commenced, Mr. Mason inquired what it was, and very shortly afterwards some of the men put in an appearance in the room and the attendant said they had been locked up. If so, some other attendant of the department must have unlocked the door of the room in which they were locked up.

I did not see the key taken down from the wall of the room in which the Protector was seated. On a subsequent visit the other attendant, when called into Mr. Manisty's room, stated that he had come into the room, taken the key and unlocked the door. I understood at the time that the first attendant referred to was not on duty, and, as Mr. Rockey stated, he need not have been there.

The men were brought in to make their depositions one by one; that is, those who had anything to say. They were not allowed to communicate with each other.

One of the men, sick in the ward, asked me to look at his food, and, as I went to Mr. Mason, I drew his attention to the fact that the man was complaining about his food.

I note, in the depositions of John James, that he states that he was "locked up this room until yesterday and fed on rice and water." I find that the identical same words were used by the others who said they had been locked up in this room, viz., "fed on rice and water." I did not suspect any plot on their part from the fact that their statements were so identically the same, with reference to their being locked up and fed only on rice and water. If it should be proved that the men were not under lock and key, and that they were not fed on rice and water only, I should certainly think that there must have been a plot among them. Nothing led me, at the time, to suspect any plot.

The food to which they alluded was not the food of the sick, but the food of the men who said that they had been locked up. The food which I saw, and to which I drew the Protector's attention, was the food given to the sick, not the food complained of by these prisoners.

After the depositions had been taken, the Protector's attention was drawn to the fact that the food was ready. He went to see it. I did not notice, at the serving out, any special rations served out to prisoners. The men who had been locked up had been let out; there were no prisoners then, because they had been let out of the lock-up.

By Brigade-Surgeon Lexer:

I have been four years interpreter to the Indian Immigration Department; before I took up this appointment, I was head clerk in the Local Commissioner's office at Coorg in southern India. I was seventeen years in India before I came to Natal. I was partly educated in India. Of the seventeen years spent in India, seven were spent in Madras and Mysore. Tamil is a language common to Madras, Mysore and Coorg. Cannarese is the special language of Mysore and Coorg. I qualified
in Cannarese only, and I hold certificates, from the Superintendent of Coorg, of proficiency in Cannarese, but not from any educational establishment. The certificate, given by the Superintendent of Coorg, was based on the efficient manner in which I had performed my office-duties, as translator of that language, and my clerical duties. I have no certificate of proficiency in Tamil, but have spoken it close on the last seventeen years when I was in India. As to Hindostani, I studied it in Bangalore for about a year, but, not finding it enter into my duties when I went to Coorg, I ceased to study it; I hold no certificate as to it: I mean southern Indian Hindostani. I am not acquainted with the Urdu and Nagara languages, beyond what I have picked up in Natal in dealing with coolies.

There were two or three of the so-called prisoners who spoke Hindostani, and I spoke in that language to them when translating their complaints. I do not remember having any difficulty in translating what they had to say.

I do not think that the Protector of Immigrants has ever been in India, but I think that he can very well judge of what one is interpreting in Tamil, and he may in Hindostani, but certainly not in Cannarese.

I have not been deputed by the Protector of Immigrants at any time to visit the Railway hospital.

I should say that I am clerk as well as interpreter to the Protector of Immigrants, and I have been sent up-country by the Protector to inspect all free passes in possession of men professing to be free Indians. I have never performed the duties of the Protector of Immigrants in visiting estates, &c.

I cannot recollect how long I was in the surgery at the Indian Railway hospital before the knocking commenced; I think from a quarter to half an hour.

From what I know of the Indian character, and judging from my Indian experience of the lower class, the class from which our Immigrants are chiefly drawn, they cannot as a rule be trusted.

In the judicial department of the Superintendent of Coorg's Court, in which I was clerk, there was a good deal of work. My opinion is that Indians are easily bought over as witnesses. In examining ten or a dozen Indians I would not believe their statements, as a rule, even if a caution were administered to them. We have had depositions against employers by some Indians, which have turned out false, and we found that the Indians had perjured themselves: this would be a very common occurrence, if all cases of assault complained of were brought to notice.

When I first entered the hospital I passed the door of the lock-up, and it struck me that the door was shut. The men, who were actually confined in this lock-up, would not have had an opportunity of knowing that we were in the hospital unless they were told: the men were out of the room, when I saw them.

Sheik Ismail was the Mussulman boy who remarked to the Protector that there were some persons locked up, when the Protector asked who was making that noise.

I did not actually see the key taken down from the room, in which we were sitting, although Ramsamy mentioned afterwards in Mr. Manisty's office that he had taken it down from that position.
The whole of the depositions, taken by the Protector of Immigrants, were taken in my presence and interpreted by me. I was present the whole time. I do not think the second attendant gave his evidence at the time the depositions were taken, he may have done so; if such were the case, he had ample opportunity of communicating with other men and of hearing what they told the Protector of Immigrants. This man was sent away from the door of the apartment, in which we were taking depositions, two or three times.

The first complaint, made to me, was with reference to food, by one patient; the Protector then stated that any complaints, which the men wished to make, would be taken one at a time; this statement was made to me. Previous to coming before the Protector, the men had ample opportunity of communicating their views to each other, and so had the so-called prisoners amongst themselves.

I cannot speak as to the characters of the Indians who made the depositions. Mariappan and Narayanaamy, about a week or ten days after making these complaints, induced some others, some six or seven other indentured Indians, to complain at the office of the Protector of Indians against the Railway Labour department, of which Mr. Manisty is the head; these complaints were judged frivolous by the Protector of Immigrants.

I consider those two men were ill-conditioned and mutinous in spirit, and had led the other men astray.

I cannot say whether the food shown to me by a certain patient, whose name I do not know, was the food issued to him or not. The diet I saw would have been served out to the man about 12 or 1 o'clock, at the midday meal. I saw this meal about an hour and three-quarters after I supposed it to be served. I think that, if it had been food fit to issue, it would have been in good condition when seen by me.

I was not authorised by the Protector of Immigrants to look about the hospital, when he was in the back room of the hospital. I merely did it, as I would on his visit to any other hospital. I merely asked the patients how they were getting on and, in reply to this, a man showed me his dinner.

It has occurred at the Vernam hospital that I have been instructed by the Protector of Immigrants to ask the patients if they have anything to say; I would not, from my experience of Indians, ask them if they have any complaints to make; they are so ready to make complaints.

By Mr. Richardson:

I do not consider the amount of dholl, allowed to Indians per month, sufficient to allow them enough at every meal.

Judging from what I saw of the sick man's rations, there was something thick about it, in the fluid matter, which made me think it was cungee-water. Cungee-water is water strained from rice, after it is boiled. I should certainly think that there is more nourishment in cungee-water than in water.

I do not recollect seeing a urinal pail in the room referred to as the lock-up, when I went into it. I do not think that I went into the room that day; if I did, it was in the even-
ing. I went into the room next day, but saw no urinal pail there to the best of my remembrance.

I do not remember ever having seen the man, John James, and, therefore, I cannot say anything as to his character.

Further examination of Mr. L. H. Mason, the Protector of Immigrants.

By Mr. Saunders:

I have not heard officially that the complaints concerning the Railway Indian hospital have been referred to the Commissioners; this is the first official intimation.

It was in May, 1883, or thereabout, when I had correspondence with the Railway authorities with respect to the system of fines, imposed on indentured Indians, and the general management of the Indians; that correspondence was concluded in, what I considered, a satisfactory arrangement.

Between that date and last September, I believe that I visited the hospital and that no complaints were made. I cannot say, from memory, whether I looked into the matter of fines, which had been the subject of inquiry before; I had the General Manager's assurance that things had been put right.

My visit in September last was not a merely ordinary hospital visit; I was induced to visit the hospital by a communication, which I received from one of the indentured Indians employed on the railway, named John James: I made, intentionally, a surprise visit, not from any other circumstances which led me to suspect concealment, but merely from the tone of that letter.

It is correct that, during the investigation, I objected to the presence of the Railway official, Mr. Rockey, the dispenser. I do not think that it was a strong course to take, to request Mr. Rockey to retire; it is the course which I usually adopt on the various estates; further, I noticed that he took notes of what had been said. The reason, which I give for the practice of not allowing anyone connected with the Indians to be present, is that I find as a rule people are afraid to say anything in the presence of anyone in authority; I do not know if the same would apply in the ordinary cases of master and servant. This is my usual practice.

With reference to Law No. 9 of 1882, I notice that by this law, section 6, the General Manager is authorised to make bye-laws, regulating the relations between himself and employees, imposing reasonable penalties, &c. I was not supplied with a copy of these regulations when framed. I did not think it necessary to apply for a copy, either in the interests of free Indians or of indentured Indians receiving extra pay.

I have not seen the Natal Government Railway notice to the staff, dated 18th October, 1881, signed by the General Manager, the last clause of which empowers the Superintendent of Indian and Native Labor to deal with all matters of complaint,
Another notice, Natal Government Railway Rules for the guidance of the police in barracks, which empowers Railway officials to dispose at their discretion of certain cases, dated 7th September, 1883, I have not seen.

These papers, which I rapidly glance over for the first time, appear to be outside of the authority granted by law, especially with regard to complaints against indentured Indians. Section 8 of Law No. 9 of 1882, I take it, does not give the General Manager power to delegate the authority, therein conferred, to any other person, with regard to fines imposed under section 7 on indentured Indians.

I think that it is but right that the Protector of Immigrants should, in all cases, be supplied with a copy of all rules and regulations directly or indirectly affecting Indians, in order that he may be able to pass remarks thereon; no doubt, had this been done, much of the present trouble would have been avoided.

I believe that the Railway Company, in all these cases, acted perfectly in good faith.

I have reason to believe that their treatment of men has been somewhat harsh, which can be proved from their own books: this only appears from cases shewn in their own books, and I only come to this conclusion from the evidence of their own books.

Although I have seen the Indians constantly, I have not officially visited them.

I took no steps to sift the truthfulness of these depositions taken by me, but simply forwarded them to Government. The "case-book," kept by Mr. Manisty, furnished the proof, and also the statement of two of the Indians employed in the hospital. It furnished proof that these punishments and sentences had been carried out.

Mr. Manisty, the Superintendent of Indian and Native Labor, when I visited the hospital again on the 26th of September, 1885, expressed his surprise with regard to the lock-up, as much as to imply that there was not such a room in the place, and, in proof, he called in one of the attendants, Sheik Ismail, who admitted that there was a room in the hospital used as a lock-up, and that one Indian at least, Jhori, had been locked up in this room. Rengasamy, also an attendant, was called in by Mr. Manisty: he stated that two Indians had been locked up for one day and that Jhori, above referred to, had been locked up for two or three days, and that the room in the hospital used for this purpose was known as the "lock-up." Mr. Manisty said, "What? a lock-up?"

I take it that all those in the "case-book," sentenced to be locked up, have been locked up, notwithstanding the apparent discrepancy of the evidence of the two attendants; I did not consider that any further investigation was required. I was satisfied, on the record of the case-book, that all the sentences had been carried out and that the men had been fed on cungee-water.

I did not notice any peculiar identity in the terms of complaint made by the several deponents, which led me to suspect, more or less, what I call a trumped-up case.

Even if evidence were produced to show that men were not fed on cungee-water, were not fed on rice and water, and
were not kept under lock and key, during the period of sentence, that would not cause me to alter my opinion, because, at the time of my visit on the 25th September, when the Indians who were in this room, this lock-up, heard that I was there, they commenced hanging at the doors and insisted on being let out, and they were let out and at once appeared before me. That proves that, in their case, this room was used as a lock-up, and, therefore, I consider all the other cases were similarly locked up.

I should be very much surprised to hear that these Indians went into the room only a very short time before I went to the hospital, and that they were locked up a very short time before I arrived. If this could be proved to me satisfactorily, it would modify my views to a certain extent.

I do not consider that the question is in any way affected by the fact that the serious charges brought to notice are proved only by the individual accused criminating himself by his case-book. I look upon that book as an official document, but I have no copy of it and I have not asked for a copy. Mr. Manisty showed it to me willingly, when I asked him to do so. I did not know that the book was in existence until the 25th September, 1885.

If you look in that book, page 115, you will find that Manrippen's statement to me of the 25th September, with regard to the flogging administered to him, exactly corresponds with the sentence recorded in that book. I consider that the depositions in these cases, with regard to punishments, were quite sufficiently proved without giving the parties accused any further opportunities for explanation or justification. I consider that the statements were borne out by their own books.

With reference to the cunee-water, several of the Indians, who were then in the hospital, brought in their plates, which seemed to contain only a little rice and a little water, and I ascertained that the prisoners had the same; in fact, I was informed that the prisoners in the hospital received the same food as the sick. I gave the Medical Officer of the hospital, Dr. Bonnar, orders to see that the patients were well supplied with food. I do not know that the medical men admit that the sick had been improperly fed.

By Brigade-Surgeon Lawer:

I am prepared to prove that no books were ever kept, which show that any of these so-called prisoners or other sick, who have complained of their rations, had been in receipt of medical comforts or extras such as mutton, chicken, chicken-broth, port wine, and other stimulants. I particularly asked the dispenser whether he kept books giving these details; he said "No," and produced to me the counterfoil of an order book, which contained an order for a small quantity of mutton; no record was kept of the daily issue to each patient. A book of that kind should certainly be kept.

I am aware that the Railway hospital is not a Central but a private hospital; such being the case, I should not have the same authority in that hospital, and therefore I could not enforce the keeping of this very necessary record of diets and extras of daily issue.

I have had a long experience of Indians and I do not think that they are so truthful as they should be. A few
days after my visit to the Railway hospital, two of the men, who had made depositions to me, appeared at my office together with twenty or thirty other Indians from the Railway department. I was satisfied in my own mind that these two men had induced the others to come to lay complaints of various kinds. They were dealt with under section 44 of Law No. 2 of 1870, which provides that Okis leaving employment in a body are liable to punishment. Two of the ringleaders, viz., the men who had made depositions at the Railway hospital, Narreyuassamy and Mariappan, were sent to prison for a month, and the others were sent back. I think that they had grounds for making this complaint.

It has been stated to me that the men, who made the depositions, were a bad lot. I think that it is quite possible that a conspiracy could be got up amongst the Indians, and they are rather prone to that, but I do not say that there is a conspiracy in this instance.

I believe that the character of John James is anything but good. It was reported to me by Mr. Manisty that John James deserted, and afterwards telegraphed to him of his own death and burial; he subsequently returned to the Colony and gave himself up at Mr. Manisty's office.

I think that it is very advisable that men, who have been absent and drinking hard and indulging in debauchery, on their return, in such a nervous condition as to warrant a fear that delirium tremens would supervene, should be put under restraint, but I do not think that the Railway hospital is a place, fit and proper, in which to put these men; they should be sent to the general hospital or to the gaol.

I have been told that the hospital is also used as a sort of lodging-house for men who are in transit to other stations.

I am not aware that the General Manager of the Railways is of opinion that all drunkards should be put under medical treatment.

I visited the so-called lock-up room and measured it. I observed a corrugated iron fence immediately outside the window, which would prevent the inmates looking out. I was not told that this fence was put up to prevent food being handed in.

I did not see a urinal bucket in the corner of that room.

With reference to the application of mustard and sand to Seerungsapury, I should be surprised to hear that this was the prescription of the medical man, Dr. Bonnar, senior, especially in this case, because that man had been absent from work and found at the Ungeni by the police.

I know that such applications have been made, at our Depot, under his prescriptions for Indian patients. From my own personal knowledge, I know that sand and mustard is most beneficial when used as a local application for rheumatism.

I am aware that there is a gang, called the "Invalid Gang," employed at the railway and that these men wear a hospital-dress, which is a long gown reaching below the knees and made of bed-ticking. I never saw any letters on their backs, and certainly would not permit them to have them; the men have never complained to me about this,
I did not see the key, of the so-called lock-up, hanging in the room, on the day in which I took depositions.

When I took the depositions, the statements must have been heard by other men: that could not be helped in a wooden building, in fact, when I visited the place, they made such a rush for it that I could not keep them out.

The knocking at the lock-up door commenced almost immediately on my entering the room.

I am surprised, considering the great facilities which these men have for making complaints, either to the Protector or to the Magistrate, that these complaints have not come out before: my office is in such close proximity to the railway.

The records seem to have been going on for about three years. The fact, that punishments have been going on for the past three years, leads me to believe that the Indians took it for granted that the Superintendent of Labor had a perfect right to punish them as he thought fit. But for John James, the matter might not have come to light.

I did not consider that the fact of the employer of the Indians being excluded from the room, at my visit, would induce the Indians to make false complaints.

By Mr. Richardson:

It was my opinion that the General Manager of the Railways had power to withhold, by way of punishment, any additional pay, as well as to deduct, from the indentured wages, the sum allowed to be deducted by Law No. 14 of 1875. I have not changed my opinion in this respect since that date; the date of that minute is 19-5-83.

When I say that the Superintendent's present actions are contrary to law, I refer to the infliction of corporal punishment and to fines imposed on indentured Indians beyond these allowed by Law No. 14 of 1875. The fines allowed by that law are, one shilling per day of unlawful absence for males, and sixpence for females, and a deduction of sixpence per day of sickness. I consider that the law, giving the General Manager power to inflict penalties on any of the servants employed on the Railway, provides that that power should not be extended to fines imposed on indentured Indians otherwise than as provided by those special laws of this Colony which relate to Indian immigrants.

I, as Protector of Immigrants, do not consider that it is for me to suggest any special means of maintaining discipline amongst indentured Indians employed in the Railway department, although the safety of the public may lie in their hands; I do not know that the safety of the public does lie in their hands.

I do not consider that it would have conduced to the more smooth working of the departments, if I had communicated with the General Manager after the receipt of the letter from John James. Under the circumstances, I considered that a surprise visit was a proper visit to pay, and I fully expected to find the Superintendent of Indian and Native Labour there. I see no objections to surprise visits; on the contrary, I think that they are rather beneficial.

I was aware that these deductions, from wages paid in
excess of those allowed by contract of indenture, had been going on, and I say that they have a perfect right to deduct from those wages so paid in excess.

Speaking from memory, I have been at the Railway twice between May, 1883, and September, 1885. As Protector of Immigrants I consider that I have done my duty in visiting the railway only twice during that time. I have frequently seen Indians employed on the railway, and have conversed with them.

If it had not been for John James, the present complaints would never have come to light.

I have, since the receipt of the complaints with regard to food, called on the Medical Officer for a report. I hand in such report, dated 9th October, 1885, signed by Dr. Bonnar, Junior.

I believe, from what I have heard, that Narayanasamy, who was locked up, has a very bad character. I cannot say, from memory, by whose orders this man was locked up. I did not think it necessary to inquire by whose orders he was locked up. When Mr. Hammond admitted having locked up one of these men, I asked him his reason for doing so; he said, "the man refused to obey my orders." I think that all those employed in the Superintendent's office exercised the power of locking up Indians.

Mr. Manisty, the Superintendent of Indian and Native Labor, expressed his surprise when mention of the "lock-up" was made, but I believe that he subsequently admitted it in his report, if my memory serves me right. The word, "lock-up," is constantly used in the Superintendent's case-book.

Had it been the General Manager instead of the Superintendent of Labor, I should not have made any difference with respect to these charges; had it not been for the locking-up and flogging, matters could have been arranged without reference to Government, simply between the General Manager and myself.

I do not consider that I am just as much to blame as the General Manager or other officials, for not having checked this by more frequent visits to the railway hospital.

I consider, as far as I am concerned, that these surprise visits are consistent with the ordinary requirements of courtesy. I never instruct my subordinates to pay such visits. I requested Mr. Rockey to leave the room, because I did not recognise him or behalf of the Superintendent of Labour. To my own knowledge, I do not know that cunjee-water has ever been used in the Railway hospital as a punishment.

By Mr. Saunders:

I did not send the case of flogging, in the ordinary way, to the Magistrate, because I thought that it would be worse for Mr. Manisty, and I thought it advisable that the whole affair should be enquired into. I think that I should have been very much to be blamed, if I had smoothed the matter over without representing it to the Government.

I thought it right to send the charge to Government, without giving the other party an opportunity of explanation,
because no defence could be advanced, especially in the case of flogging and rubbing with mustard and sand. Ordinary cases of assault are sent to the Clerk of the Peace; this matter was not an ordinary case, it was on depositions.

I cannot indicate a law which empowers me to require employers to absent themselves from their own premises during the time I am instituting enquiries amongst their coolies; should they, however, decline to retire when requested, I consider that they would be obstructing me in the performance of my duties and that they would therefore be amenable under clause 34 of Law No. 2 of 1870. If they refused to retire, I would test my claim under that clause. I believe that this section has been tested already, but I cannot say if it has been tested on this particular point, viz., as to my right to require an employer to withdraw while I am examining a man in his service.

Examination of Rengasamy, Indian attendant at the Indian Railway hospital.

By Mr. Saunders:

I was the attendant in charge when the Protector of Immigrants visited the hospital and took depositions. I was there when the knocking took place; I unlocked the door and let the men out. No one was locked up but Jhori, when Mr. Rockey went to his lunch at 12 o'clock. I locked up Jhori between 8 and 9 o'clock on that morning; at that time there were two men, Marriappan, and Narryenasamy, in that room, by mistake, with the other man. Jhori made the noise for the requirements of nature, not because Mr. Mason, the Protector, was there, and, when Mr. Mason made his enquiries, I told him that the other two men were locked up by mistake. There were only three men in this room, when Mr. Mason was there, not four. I went and unlocked the door, when Jhori made the noise by banging at it. I am certain that Jhori was locked up before Mr. Rockey went to his lunch. I did not know that Mr. Mason was coming, when I locked the men up in the room. Jhori did not have his dinner in the lock-up that day; I let him out to have his dinner, and did not lock him up afterwards. The dinner hour at the hospital is one o'clock; I let Jhori out for dinner at one o'clock, and after dinner I again locked him up. I repeat that I only locked up one man in the morning, Jhori, and that the others were not prisoners; I told Mr. Mankuty that they were not prisoners.

By Brigade-Surgeon Leaver:

This man, Jhori, was locked up by orders of Mr. Hammond, because he refused to go to work.

There was a small bucket in that room at night, in which they obeyed calls of nature. It was sometimes left there in the daytime, but it was never used in the daytime, because the men were taken out for purposes of nature.

The doctor went every morning to this room, at his visit. The doctor must have gone into this small room every morning. The doctor may have seen these men, but, if they had been locked up, he would not have seen them. I cannot
say positively if the doctor had seen those two sick men that morning, those who were in the cell with Jhori.

I was not present during the time Mr. Mason took the depositions.

I know a man of the name of John James. John James remarked to me, whilst waiting to go to Mr. Mason to make his deposition, that he had written letters to big people about this matter, and that he was telling all the patients to tell Mr. Mason about their food and the treatment they received.

The patients had made complaints about their food, before John James told them to do so; they had made complaints to Mr. Rockey and to Mr. Manisty.

The screen, in front of the cell window, was put up to prevent talking to the people inside; this screen was put up before I went to the hospital a year and two months ago.

John James, Marriappan, Narryennasamy, and Jhori were all looked upon as bad men, who shirked their work.

There is no difference made in the rations of the prisoners and the sick, except that those who are very sick get extra things. The prisoners never got cungee-water, they got the same diet as the other men.

Any prisoner sent to the hospital is only locked up for a short time on the first day, and afterwards he is allowed out in the hospital-enclosure. It is only when people are drunk that we lock them up; sober men are not locked up.

The two men, Marriappan and Narryennasamy, may have, at the instigation of John James, gone into the room, on hearing that Mr. Mason was coming, in order to be in a position to knock at the door to arrest his attention and prefer the complaint.

I believe that Jhori was drunk that morning, when he was brought over, or I would not have locked him up.

I am certain that John James is capable of doing all this.

---

Further examination of Mr. W. Rockey, dispenser.

By Mr. Saunders:

I repeat positively that, when I went to my lunch at half-past one, none of the following men, Narryennasamy, Jhori, and Marriappan, were locked up then. I can speak as positively that none of those men were locked up during the morning; if I have any doubt, it is because it is possible that Jhori might have been detained in that room, but the key was not turned on him.

By Brigade-Surgeon Lewer:

With reference to those four men, said to have been in that small room, Narryennasamy and Marriappan were patients in the hospital. John James, to my certain knowledge, was not in that room, unless he walked in of his own
free will. Narayanasamy and Marriappen were patients in the hospital and had no business in the small room whatever; in fact, I have turned them out frequently, and, subsequently to Jhori's removal from this hospital to prison, I have turned them out of the little room in question. On several occasions Marriappen has been the worse for liquor, and I think that he particularly has needed observation on account of his excessive drinking.

Examination of Mr. A. E. Hammon, Chief Clerk in the Office of the Superintendent of Indian and Native Labour.

By Brigade-Surgeon Lower:

On the day on which Mr. Mason visited the hospital, viz., 25th September, 1885, I was Mr. Manisty's representative. On that day I ordered Jhori to be returned to hospital, where he had been previously to appearing before me, pending his removal to the Borough Police Station. This man, Jhori, had on the previous day been discharged from the Government gaol, and he had no blanket, poks or pans for cooking, and no home in Durban; as he belonged to an out-station, he was accommodated in hospital until the next morning. When a man is in transit, about to proceed to another station, he is lodged in the hospital for his own comfort and convenience, and, in the present instance, after the man was lodged in hospital, a pass was made out for his return to Howick on the following morning by the 8 o'clock train, and a constable was ordered to go up with him. On my arrival at the office next morning, it was reported to me that this man, Jhori, had refused to enter the train, and that the constable, finding that he was unable to get him to Howick unless he used force, had brought him back to the hospital: this was prior to Mr. Mason's visit. About 11 o'clock on that morning I sent for the man, and he appeared before me. I asked him if he was willing to return to his station; he refused to go, in spite of my warnings that, if he refused to obey the orders which had been given him, he would be taken before the Magistrate. As he still declined to go, he was taken back to the hospital, to await a formal charge-sheet being made out. Whilst he was waiting for that, the Protector of Immigrants made his visit. Whilst the Protector of Immigrants was taking depositions in the hospital, about 3 o'clock, I sent up for the man; a message came back to the effect that Mr. Mason would not allow him to leave the hospital. I went into the hospital and saw Mr. Mason, and arranged to let the man remain there until he, Mr. Mason, had finished taking evidence that evening. When Mr. Mason had finished his business in the hospital, the man was taken over to the Borough Police Station; he appeared before the Magistrate next morning and received sentence of fourteen days' imprisonment.

By Mr. Saunders:

I can state positively that I did not give orders to Rengasamy, or to any other person, to lock him up in the little room. As to Jhori or any other man having been locked up in the small room, it was done against my orders. I positively know nothing about it.
As to the Indian, John James, having been locked up that day, he was seen by me, when I went into the hospital with Mr. Mason, sitting on one of the beds in the front room on the left-hand side. If he was in the small room, he must have gone in there after Mr. Mason had entered the hospital and passed the room in which I saw him sitting; he must have slipped in afterwards.

When I went in the second time to see Mr. Mason about the man, Jhori, in the afternoon, at 5 o'clock, he said, "You have, I understand, some prisoners here." I explained Jhori's case, and I said that he could be the only one who could be tried, in any way, a prisoner, but, if he would give me the names of any other men who complained of being prisoners, I would enquire into the matter for him. He replied that the whole thing would come before us later on, and that it would be better not to go into any explanation at that time.

Examination of Marriappan.

By Mr. Saunders:

When Mr. Mason came to visit the hospital on the 26th September, I was not sick. My name is not entered in the sick book on that day. I was put in the hospital, because I was coming towards the barracks with liquor in my hand. I was then put in hospital. The policeman put me in the hospital-room, and the hospital sarar, Rengasamy, locked me in at about 12 o'clock. I was not put in by force. I was not let out to have my dinner; the dinner was brought to me by the cook, and the door was locked afterwards; this was about three o'clock or half-past three o'clock. Nobody told me that Mr. Mason had come; I saw through the window that he had come, and therefore I banged at the door, because we were locked up.

By Brigade-Surgeon Liewer:

On the days previous to being locked up, I had not been drinking. I was a little drunk on the Saturday previous to Mr. Mason's visit. I heard men, outside the window, saying that Mr. Mason was there; I did not see him coming in. I do not know who told me that Mr. Mason was there. John James was in the little room with me, but he did not knock; Narayananasamy, I and the Calcutta man knocked; before knocking we tried to open the door, but we found that it was locked. John James did not tell me that he had written to Mr. Mason; others may have, I do not know.

Examination of Narayananasamy.

By Mr. Saunders:

We go into the little room and sleep there, because it is a warmer room; I went in there of my own accord before Mr. Mason came, and I was asleep when he came. Marriappan was there, the Calcutta man, Jhori, and another man, I do
not know his name. The door was open when I walked in; the other men were in at the time. I went to sleep and got up in the ordinary way. I did not knock at the door, but Marriappan did. I did not notice that any others knocked at the door; I refer to those in the cell. After the door was opened (I did not see it opened), I went out. Mr. Mason asked me what food we got, and, in reply to a question why we were in that room, I stated "I always go there, because I have the fever." I did not tell Mr. Mason that I was a prisoner, it is a mistake. I only said that I did not get my pay. That same morning I had my food in that room; of the others, one had his food in the room, the other went out for it, just as he liked. Marriappan ate outside and the Calcutta man ate inside. The doorway was open for them to go in and out. I did not hear anyone in the little room talking about knocking at the door.

By Brigadi-Surgeon Lower:

The only free statement I made to the Protector of Immigrants was that I did not receive my pay: other complaints were in reply to questions put to me by Mr. Mason’s interpreter. I had burning fever on me, when I was examined. I was not afraid to tell the Protector of Immigrants what I had to say.

By Mr. Richardson:

Marriappan was in the room when I went into it; the door was open, and I walked in.

I received that day, as rations, dholl, salt fish, and rice. The Protector of Immigrants asked me what food I had taken the previous day. I said rice and water. I took it because I liked it; they gave me my other food, fish, &c., but I refused to take it as I did not want it. I am now getting mutton, and sago with milk in it.

I did not tell Mr. Mason that the men were fed on rice and water, and, if Mr. Mason has that in his paper, as far as my statement is concerned, there must be some mistake.

Examination of David.

By Mr. Saunders:

I made a deposition before the Protector of Immigrants, the other day: I now wish to correct it.

When I am feverish or have indigestion, I do not like the ordinary food. When I ask for sago and milk I get it.

I wish to state that I was induced to make false statements to Mr. Mason, about my treatment, by John James and by other patients, Narayensamy, Marriappan, Jbori and others. I made a great mistake. The reason which John James and others had for making these statements was because they were dissatisfied, and the patients always complain, although they get good food: it would be very difficult to give every man in the hospital everything he likes.
I know nothing about the locking up of the men in the room. Drunken men are sometimes locked up in that room.

Further examination of Mr. David Hunter, General Manager of the Natal Government Railways.

By the Chairman:

Referring to the 4th clause of Law No. 9 of 1882, the Railway Law, I consider that the term, Assistant Manager, includes the heads of the locomotive, engineering, accountant, and labour departments. There has been no question under this clause, and I have no ruling upon the point from Government. I think that Mr. Munistry is an Assistant Manager within the meaning of the 4th clause; but I think that the extent of the delegation is a matter for me, as the head of the department.

As to clause 6, I interpret the term, bye-law, as including all rules and regulations made by me from time to time under the provisions of this law; I may say that I am very clear on this point; because I discussed it with the Acting Attorney-General, Mr. W. E. Shepsone, at the time the law was framed; I was then General Manager. In connection therewith, I beg to read the following minute made by me, dated 29th July, 1882. I had a copy of the Bill sent to me, as set down for the second reading, and this is the minute I made after personal of the draft. I suggested the alteration of sections 6 and 7, as appearing in my minute, and I subsequently had a personal discussion on the point with the Acting Attorney-General, who gave effect to my suggestions but retained the word, bye-law, which, in his opinion, included all rules and regulations.

Clause 9 refers to regulations affecting the public.

All the rules and regulations in the little book, now handed to the Commissioners, come within section 6, as also the regulations, appended to the Railway time-tables, also handed to the Commissioners, and the various notices to the staff which are issued from time to time. I had in a notice to the staff, in connection with the opening of the Ladysmith Extension, as illustrating my meaning.

It is impossible to give to every Indian employed on the Railways a copy of the instructions, but it is the duty of the officer in charge to instruct such employees and to make them understand the regulations and instructions applicable to their respective duties.

I am aware of the proviso contained in section 7, and I have always been very careful to keep it before the notice of the officers of the department. I raised a question on this point with the Protector in May, 1883, and, in reply, obtained the letter to which I now call the attention of the Commissioners, dated 19-5-83. We have acted upon the Protector's opinion, expressed therein. I do not know whether, before expressing that opinion, the Protector had the benefit of the Attorney-General's advice. In consequence of those instructions, I am under the impression that indentured Indians, receiving an amount of pay in excess of that to which they are entitled under the Immigration Laws, have been fined departmentally in excess of
the amount they could have been fined under the Immigration Laws. With reference to those indentured Indians, who do not receive such extra pay, I am not aware of any instances in which they have been fined in excess of the amount sanctioned by the Immigration Laws, but there may have been instances, there may have been mistakes. I issued instructions to Mr. Manisty to be careful with reference to fining the last-named class of men: thus, on the 17th May, 1883, I specially called the attention of Mr. Manisty to the proviso of the 7th section. I read extract from my letter of that date to Mr. Manisty.

I know that, in one instance, Mr. Manisty personally inflicted a whipping upon an indentured Indian boy, named Marriappan. I only knew this after this enquiry was commenced; I regret the occurrence myself, and I know that Mr. Manisty is very sorry that he made the mistake. I never heard of any other case but that.

I did not know, until to-day, that a mixture of mustard and sand had been applied to one of the coolies.

With reference to the 45th section, as to fines, I think that they have been passed into the Colonial Treasury, but not directly. To explain, fines imposed are deductions from the pay upon the face of the pay-rolls, and the servant receives his pay less the amount of the fines; in this way the expenditure of the department, monthly, is lessened by the amount of the fines.

By Mr. Saunders:

The two notices shown to me, dated respectively 18th October, 1881, and 7th September, 1883, contain by-law-acts framed by me in terms of classes 6 and 7 of Law, No. 9 of 1882. I do not consider that such rules require the sanction of the Government, and, therefore, I did not send copies to the Government; I have full power, under the laws, to frame such rules.

The Protector of Immigrants never asked to be supplied with a copy of the rules framed for the management of the Indians of the Department.

I think that the law is very complete as it stands, because it gives to every officer and servant employed in the department, who may be aggrieved by any disciplinary act, the right of appeal to the Governor in Council. No such appeal, under the 7th section, has ever been made.

Referring to the two notices above mentioned (A and B), they have not been submitted to any one or published. I do not think that it is necessary for me to submit such notices to any one, in order to guard against the possibility of overstepping my authority inadvertently.

Clause 4 of the law gives me power to delegate, to the Superintendent of Indian and Native labor, the authority to deal with complaints amongst Indians, such complaints as laziness, inefficiency, drunkenness, absence, &c., these being very frequent subjects of complaint.

I do not consider that these rules, A and B, convey authority of a judicial character more than sanctioned by the law; the law does not give any judicial authority. I do not consider that these departmental rules require any reference to any person in authority.
I do not consider that any regulation, issued by me, gives judicial power to any officer of the department, and there was not the remotest intention of giving any powers which are not upheld by the law.

By Brigade-Surgeon Lower:

I believe that the treatment of a drunkard in hospital is a very necessary and humane act; such being the case, I have never given any direct order for sending a man, suffering from the effects of drink or debauchery, to the Indian hospital. I do not think that I have ever sanctioned my subordinates taking a step in the matter, but I believe that many have passed through the hospital whose ailments were the direct result of drink. I think that it is absolutely necessary that men, who are suffering from drink, and bordering on delirium tremens, should be sent to hospital for their own safety, and that of the public, especially considering the very important duties which these men have to perform in connection with railway matters. I consider that such men, when in hospital, should be under some observation and restraint.

I occasionally visit the Indian Railway hospital, at irregular intervals, and I have never observed anything wrong in the conduct of the establishment, nor have I seen anyone locked-up.

I never received, or heard of, any complaints from any patient as to his treatment or food, although I have laid myself open to receive such complaints, and the patients have had full opportunities of making them.

The present hospital was not built for hospital purposes, but it is a platerlayer's house converted to its present use; it is a private hospital. The hospital is used according to the discretion of the medical officer.

I believe that it has been used for the accommodation of men, who were in transit from Durban to other stations, or who were discharged from gaol and were awaiting removal and who had no homes.

I am aware that sand and mustard was a favorite remedy of old Dr. Bonnar, but I am not aware that it was applied in the case of which complaint has been made by the Protector.

I have always heard the Medical Officer speak very favourably of the hospital and the way in which it is conducted.

By Mr. Richardson:

The Superintendent of Indian and Native Labor has no power under sections 33 and 34 of the Law. The withdrawal of power, to deal with departmental offences, would have a tendency to destroy the discipline of the staff.

Referring to sections 1 and 2, notices to staff, paper A, these are really for the protection of the Indians themselves, because they might lose their papers. Section 2 of paper, marked B, refers to persons of the department only: one of the public could not be arrested under that clause.
I do not think that it is necessary that the Justice of the Peace should be empowered to deal with our departmental inquiries.

Further confession made by the witness, David, to Dr. Bonnar, junior, on the day on which he was examined by the Commissioners. Dr. Bonnar thus reports:

To-day on visiting the Railway hospital, I saw David, one of the coolies there, who had made a deposition complaining of his food and medical attendance. I asked him if it was the case that he had seen the medical attendant, then acting, so seldom as he had stated, and if his food was at that time so bad that it was unfit to eat. He said he was not able to remember exactly what he had said, but was now ready to speak the truth. As Mr. Rockly was approaching, and as I wanted to question David privately, I told him to go for the present, and, while going over a few of the cases with Mr. Rockly, David returned, and, knocking at the door, of his own accord said: "The first man to put me up to say my food was bad was John James. He and the other coolies instructed me to make complaints about my food and medical attendance."

I asked him what he had to say about his medical attendance, at the same time cautioning him that everything he said must be strictly correct, as it would be written down and probably be brought before the Protector of Immigrants. He continued, "Dr. Bonnar, your father, attended me when I came first with diarrhea some months ago. He gave me plenty medicines and cured me. My food was very good, and he gave me whatever I asked for, as sago and milk. He saw me every day. I was again admitted in July, 1885, with burning feet. I can say Dr. Neale, who was attending then, saw me about every second day. Anything I asked, as sago, milk, or tea, he gave me. He gave several kinds of medicine for my feet; but they did no good. After that you came. You have seen me every day. You know well that everything I asked, as sago, milk, and beef-tea, you gave me. You used different medicines for my feet, but they are just as bad as ever. My food, rice and dhal, and other things have been good, but when I have been feverish or troubled with indigestion I have not cared for them. On those occasions I always got what I liked which was sago, milk, and tea. I said a lie because other coolies told me to say so, and I am worthy to be punished, and this I say of my own free will. It is right that I be punished because I said a lie to Mr. Mason."

G. Lindsay Bonnar, Jr., M.B.,
Acting Medical Officer of the Durban Cooie Circle.
Durban, 14th December, 1885.

This statement was made before me on the 14th December, 1885, of the free accord and will of the cooie David.

G. L. Bonnar, Jr., M.B. & C.M.,
Acting Medical Officer of the Durban Cooie Circle.
The documents, to which the General Manager and Mr. Manisty refer in their evidence, are appended.

Return of cases dealt with in the office of Superintendent Indian and Native Department, in the years 1883 and 1884.

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J. F. MANISTY,
Superintendent,
I. & N. L. Dept.,
Natal Government Railways.

INVALID GANG.

Natal Government Railways,
29th Dec., 1885.

[No. 1057, '85.]

INDIAN AND NATIVE LABOUR DEPARTMENT.

To the Chairman,
Indian Laws, &c., Commission,
Pietermaritzburg.

Sir,—I have the honor to acknowledge receipt of letter from your Secretary, dated 26th inst., and in reply beg to inform you that there are a certain number of men, who are borne on the Hospital books, but who are not sufficiently well, or are disabled from some bodily infirmity, from performing anything but the most unimportant work. These men form what we call a "Convalescent Gang"; they receive the suit alluded to with the letters "C.G." free of charge, and 2s. 6d. per month, in addition to their regular rations.
This method of clothing them was done with the advice of the Protector of Immigrants.

Some of these men are incurables, some being partially blind, and others idiotic, and it is, I think, the most humane method of dealing with such cases.

I have a periodical inspection of these men and draft out the most useful, as gatekeepers of unimportant crossings.

I have the honour to be,

Sir,

Your obedient servant,

J. F. MANISTY,
Supt. I. & N. L. Dept.

DUTIES OF INDIAN AND NATIVE LABOR
SUPERINTENDENT.

Natal Government Railways.

Duties of Indian and Native Labor Superintendent.

1. He will keep records of all Indian and Native Laborers employed in the various Departments of the Railway service, and furnish such Returns and Statistics as may be required by the General Manager from time to time.

2. He will be responsible for the observance and enforcement of all Immigration and other Laws applicable to the employment of Indian and Native Laborers.

3. He will keep up the supply of Indentured and Monthly Laborers, so as to secure the largest possible measure of efficiency in the staff, and obviate the necessity of employing Tagt Laborers at greater expense; and generally adopt any measures which will tend to greater efficiency and economy.

4. He will enforce Sanitary Regulations among the Indian and Native Staff, and have the oversight of the Barrack accommodation provided for them.

5. All requisitions for rations and stores required for the Indian and Native Staff to be made through the Superintendent, and certified by him before execution.

6. All prosecutions of Indian and Native Laborers to be conducted by the Superintendent, who will recommend to the General Manager the steps to be taken in each case. This will not, of course, preclude the ordinary action of the Police in matters involving offences of a public character which require immediate dealing.

7. All applications for Indian and Native Labor to be made to the Superintendent, who will select the men most suitable for the particular line of work.
8. These arrangements are not intended to supersede the authority of the various Heads of Departments, who will be responsible for the Staff in their respective Departments: and through them all communications relating to the Indians and Natives will be made by the Indian and Native Labor Superintendent.

(Signed) DAVID HUNTER,
General Manager.

Natal Government Railways,
General Manager’s Office,
Durban, 11th October, 1881.

M
No. 134

PRIVATE.—For the information of the Officers and Staff of the Railway Department only.

NATAL GOVERNMENT RAILWAYS,
General Manager’s Office,
Durban, 12th October, 1881.

NOTICE TO THE STAFF.

Indian and Natives Labour.

1. On and after Monday, 17th October, all requisitions for Indian and Native Labour are to be forwarded to Mr. J. F. Manisty, Durban, who will be the Superintendent of that Department. Requisitions for men must always specify the particular duties for which they are wanted, so that suitable men may be supplied.

2. All requisitions for Rations and Stores required for the Indian and Native Staff are also to be forwarded to the Superintendent of Indian and Native Labor Department and certified by him before execution, and all communications relating to Barrack accommodation, Sanitary arrangements, and other matters connected with the Indian and Native Employees must be made to him.

3. All offences committed by Indian and Native Labourers must be reported to the Superintendent, who will take the necessary steps for the prosecution of the offenders, but this will not preclude the ordinary action of the Police involving offences of a public character which require immediate dealing.

4. The various Heads of Departments and the Stationmasters and others who are placed in authority over the Indians and Natives will be held responsible as hitherto for the efficiency and control of the Staff under them, and all communications to the Indian and Native Employees will be made through them.
5. With the view of commencing proper records, a return of all the Indian and Native Laborers in the respective departments and at the various stations must be made to Mr. Manisty as at 31st inst., according to a form which he will issue for the purpose.

DAVID HUNTER,
General Manager.

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FINES.

General Manager’s Office,
Durban, 8th May, 1883.

[No. P.H. 1862.]
83

NATAL GOVERNMENT RAILWAYS.

Superintendent,
Indian and Native Labor,
Durban.

A question has arisen regarding the legality of the present system of fining coolies for small offences. The law, as you are aware, does not empower the Department to inflict such fines, though it empowers the Department to make Bye-Laws for the purpose.

I shall be glad to have a full report from you on the subject, with any suggestions you may have to make.

J. E. McNESS,
For General Manager.

---

11th May, ’83.

369
83

I. AND N. LABOR.

FINES.

General Manager,
Y. P.H. 1862
83

As a rule, if an indentured Indian is charged with an offence which would not be punished sufficiently by the infliction of the sums authorised by the Immigration law, my practice is to give the man his choice, either to have a certain fine inflicted, or be sent before a magistrate; the former alternative is in most cases selected.
If the case is a serious one I invariably send it on to a magistrate; but I allow myself considerable latitude in dealing with all men who receive from the Department any addition to their legal rate of pay, for special work, and consequently bring themselves partially under the working of our bye-laws.

All free coolies taken on by this Department also come under the railway bye-law, No. 16, confirmed by clause No. 6 of law No. 9, 1882.

In the case of the boy, Buldoo, who was lately tried before the magistrate, it was not brought to notice that the lad is a Natal-born Indian, and under special agreement with the Department; being in all respects on the same footing as any European in the employ as regards fining, &c.

The system has worked well hitherto, and would, I am quite sure, meet with the approval of the Immigration Department, who, I believe, have not made any complaint in the matter, and that is really the only Department who would have any voice in the matter.

J. F. MANISTY,
Supt. I. and N. L. Dept.

Acting Protector of Immigrants.

I beg to forward you copy of my letter to the General Manager, which fully explains the matter under reference.

I would further point out, that all our assigned Coolies, who have any special work to do, have proportionate additions to their salaries, over and above that which they are entitled to draw, under the Immigrant Department Rules and Regulations.

All cases of absence from duty through sickness or otherwise, pass through this office, and deductions are made and sanctioned, as the cases may require.

J. F. MANISTY,
Supt. I. & N. L. Dept.
15-5-83.

[No. P.H. 1862, '83]

NATAL GOVERNMENT RAILWAYS.

General Manager's Office,
Durban, May 17th, 1883.

Supt. of Indian & Native Labor,
Durban,

Fines.

[Yr. 369.]

In the case in question, seeing the lad was not indentured, we are perfectly justified in inflicting a fine, but you must
be very careful in dealing with indentured Indians. Please refer to clause 7, Law 9, 1882, which very distinctly states that we cannot inflict a fine on indentured Indian immigrants other than those provided by the special laws of the Colony relating thereto.

J. E. McNESS,
Acting Assistant Manager.

[No. P.H. 1862, '83]

NATAL GOVERNMENT RAILWAYS.

General Manager's Office,
Durban, May 21st, 1883.

Supt. of Indian & Native Labor,
Durban.

FINES.

I have had some further correspondence with the Acting Protector of Immigrants on this subject, and below I give you instructions on the three points in question:—

1. That in any case of an Indentured Indian who may be in receipt of wages beyond that provided for by his Indenture, it is competent to withhold by way of punishment, the additional wages, as well as to deduct from the wages under his Indenture the sum allowed to be deducted by Law 14 of 1875.

2. Indentured Indians who may be in receipt of the wages according to their Indenture must not be fined other than as allowed by the law mentioned. Please give this your strict and special attention.

3. A Free Indian will of course be treated as a European.

DAVID HUNTER,
General Manager.

*Copy of Rule No. 16 of Rules and Regulations to be observed by the Officers and men in the service of the Natal Government Railways, dated January, 1879.*

The Railway Department reserve the right to punish any servant by immediate dismissal, fine, or suspension from duty, for intoxication, disobedience of orders, negligence, illness, absence from duty without leave, or misconduct of any kind, grave or slight; and to deduct from the pay of their servants, and retain the sums which may be imposed as fines, and also their wages during the time of their suspension or absence from duty from any cause, except illness duly certified. All such fines and deductions as above enumerated will be appropriated to a benevolent fund. No instance of intoxication on Duty will ever be overlooked.
Excerpt from Minutes of Meeting of Railway Department Officers on the subject of Indian and Native Labour, held in General Manager's Office, Durban, on 28th January, and 14th and 15th February, 1884.

6. It was explained by Superintendant of Indian and Native Labour Department that in the case of Indentured Indians the following sums may be legally deducted from wages in respect of absence from duty:

   Unlawful absence ... ... 1s. per day.
   Absence through sickness 6d. "

7. In the case of Free Indians the Department may deal with their absences and defaults by fine or deduction in the same way as Europeans are dealt with. (vide Protector's Minute upon papers P.H., 1862—1883).

NATAL GOVERNMENT RAILWAYS.

Rules for Guidance of Police in Barracks.

1. The Indian and Native police attached to the Labor Department are responsible for the preservation of good order in the Railway Barrack location.

2. All arrests made by them must be at once reported to the Labor Office, if such arrests are made during office hours, and if after office hours, to the white policeman on duty at the railway station, who will dispose of the case as he may consider necessary. Under no circumstances is this order to be disregarded.

3. The policemen (Indian and Native) immediately under the Inspector of Police, herein termed "Line Police," will not interfere or assist in any barrack cases unless called upon to do so by the Barrack Police.

4. With the exception of a fire, thefts, &c., in the barracks, the Indian and Native police are strictly prohibited from forcing an entry into men's houses, unless under instructions from some European officer.

5. The Inspector of the Railway Police will at his discretion dispose of all such cases as may have been dealt with in the first instance by his European constables, and all other cases will continue to be forwarded from Labor Office, with the charge sheet as at present.

DAVID HUNTER,
General Manager.

General Manager's Office,
Durban, 7th September, 1883.
PAY ROLL.  

NATAL GOVERNMENT RAILWAYS.  

DEPARTMENT.  

RETURN OF SALARIES AND WAGES TO BE PAID AT ............................................. FOR THE ............................................. ENDING ............................................. 188 ............

|-----|-------|-------------|----------------|------------------|-----------------------|-----------------|-----------|-------------|-----------------|--------------|------------|---------|

MONEY SENT.  

Notes  
Sovs.  
½ do.  
Silver  
Copper  

£

I hereby certify that the Persons whose names are inserted in this Pay Roll were actually present doing duty for the periods specified against their several names; that all the Staff have been supplied with the Current Book of Rules and Regulations and Working Time-Tables; and that those who were unable to read have been duly instructed in reference thereto, and understand the Regulations and Instructions applicable to their respective duties.

Signature.............................................  
Date.............................................

I hereby certify that the Sums entered upon this Pay Roll have been duly paid to the Persons against whose names the said Sums are respectively entered.

Signature.............................................  
Designation.............................................

In Presence of  
Signature.............................................  
Designation............................................. Date ............................................. 188 ............
PRIVATE.—For the information and guidance of the Officers and Staff of the Railway Department only.

NATAL GOVERNMENT RAILWAYS.

General Manager's Office,
Durban, 12th December, 1885.

NOTICE TO THE STAFF.

Further Opening of the Ladysmith Extension for General Traffic between Howick and Estcourt, 21st December, 1885.

1. On Monday, 21st December, 1885, the Main Line of the Ladysmith Extension between Howick and Estcourt will be opened for Passenger, Goods, and General Traffic; and on and after that date, Trains will be run every week-day, as shown in the Working Time Tables bearing that date, which are in course of being issued to the Staff.

2. The Contractors' Engines will cease to work over the Line between Howick and Estcourt after 16th December, 1885, excepting in so far as engineering requirements necessitate, and the working of the Contractors' Engines and Trains for these purposes will be subject to the General Regulations of the Railway Department and to the arrangements made by the District Superintendents, who will provide the necessary Guards.

3. For departmental purposes, the opening of the new Line will take place with a Special Train appointed to leave Pietermaritzburg for Estcourt at 9.20 a.m. on Thursday, 17th December, 1885, by which the Train Staff and General Regulations of the Department will be brought into force.

4. The Staff will carefully peruse the Working Time Table and General Appendix so as to make themselves familiar with the details of Train and Traffic Working; the division of the Line for the purposes of "Train Staff" Regulations; and the Telegraph, Postal and other arrangements applicable to the New Line.

5. The maximum speed of Trains and Engines over the Extension between Pietermaritzburg and Estcourt must not in any case exceed 20 miles an Hour, excepting between Karkloof and Mooi River, where a maximum speed of 25 miles an hour will be permitted.

6. The Speed of Trains and Engines over the Main Road Crossing, near Howick Station, must not exceed Six miles an hour.

7. The Speed of all Trains and Engines must not exceed Ten miles an hour when passing over any of the Iron Bridges.
8. Lidgetton.—The Down Distant Signal at this Station is to be treated as a Stop Signal, and no Train or Engine is to pass that Signal until it has been lowered to "Caution."

Note.—The Triangle at this place, situated on the Ladysmith side of the Station will be used to reverse the Engines of Up as well as Down Trains; and when about to be used by the Engine of an Up Train the Down Distant Signal will remain at "Danger," until the Engine of the Up Train has entered the Triangle and passed clear of the Main Line. The Speed of all Trains and Engines between Lidgetton Station and the Triangle must not exceed Eight miles an hour.

9. Revised Rates.—The Revised Rates for the conveyance of Passengers, Goods, Parcels, Live Stock, and General Traffic contained in the two printed sheets applicable respectively to Passenger and Goods Traffic, and dated 1st June, 1885, will be brought into general operation, as regards the New Line, on the above date, and previously thereto copies of the respective sheets must be posted upon the Station boards, and there left permanently exhibited, for the information of the public, in a position where they will not be affected by the weather.

10. Passenger Fares.—The Passenger Fares for each Station must be exhibited just outside the Booking Office so as to be conveniently referred to by the public. Glazed frames have been supplied each Station for this purpose, and these the Station Masters must carefully protect. For booking through from Stations on the present line to Stations on the Extension, Blank Card Tickets are to be employed. A list of the Fares will be supplied to each Station by the Accountant.

DAVID HUNTER,
General Manager.

On April 21st, 1886, the Commissioners received from Government, with a view to an expression of opinion on the subject, the following proposal of Mr. W. Palmer, of Durban, the report thereon of the Protector of Immigrants, and a resolution of the Indian Immigration Trust Board.

Mr. W. Palmer's Proposal.

Indian Immigration.

Proposal by which the annual vote of £10,000 under Law 20, 1874, might for the year 1887 be allowed to lapse; a special law being enacted to legalize same.

1. I have reason for believing that there are a large number of "Free Coolies" in distressed circumstances, owing to the low rates obtainable for the produce of their leased lands.

3. This gentleman is competent to give valuable information in regard to the condition of the "free Coolies" and their prospects.

4. Assuming that there are a number of Coolies who may be willing to re-enter as laborers for a term of five years, I propose for the consideration of His Excellency the Governor:—

(a) That steps be taken to ascertain what number of free Coolies (with their families) are willing to enter into a five years’ contract of service—at a fixed rate of wages, to be protected under the existing laws of the Colony so far as they relate to indentured men—a condition being, that at the end of the five years' service the right is secured to them of a free passage to India, or the equivalent in money on their renewing their engagements for another term.

(b) The employer to pay, in addition to the agreed wages, an annual payment to the Protector sufficient to cover the cost of return passage to India.

5. If a plan of this kind can be carried out a great advantage will be secured to the coolie, the employer, and the Colony.

6. Suppose that 500 men be found willing to re-indenture themselves the Colony will save the cost of introduction of new men, and the cost of return passages for them, equivalent, all things considered, to the proposed lapsed vote of £10,000.

Durban, March 25th, 1886.

WM. PALMER.

PROCTOR’S REPORT THEREON.

Mr. Palmer appears to have come to the somewhat hasty conclusion that his proposition would answer the purpose he intends without any sufficient reference to the law, and his matters of fact as far as my experience goes are open to question. He states that a large number of Indians are in distressed circumstances, the inference being that a large number of free men would be willing to re-indenture themselves for five years.

I am aware that the rate of wages for free Indian labourers has fallen considerably, and that the prices obtained for produce by those Indians who lease land are also lower, and that there is not much prospect of their increasing at present. As a matter of fact the low price obtained now for the chief article of produce—maize—does not represent such a loss to the grower as a comparison of the prices of the last two or three seasons would make it appear to be, owing to the abundant crop obtained this year as against smaller crops in previous years. As far as I am aware destitution is not on
the increase, and although the Indians are not so well off as they have been in times of higher wages and better prices, they are still able to maintain themselves very comfortably and supply their moderate wants.

Mr. Stott, in connection with his missionary work, is brought into contact with a large number of Indians, but there will be no difficulty in obtaining information on this subject, if necessary, notwithstanding his departure for England.

As one of the main principles of his scheme, Mr. Palmer assumes that there are a number of Free Indians who are willing to re-enter as labourers for a term of five years. My own belief is that this assumption is entirely unfounded. Had there been any desire on the part of free Indians to re-indenture, the fact would have come prominently before my notice.

I am quite aware of the advantage to the Colony if free Indians would re-indenture themselves for a further period of five years, thus saving the cost of importations, and an additional advantage being obtained by their being acclimatized and experienced men. In March, 1874, a Government Notice (No. 70 of 1874), was issued, providing for a bonus of £10 being paid to any free Indian who would re-indenture for a further period of five years. Notwithstanding the great inducement held out by the offer of a lump sum of £10, only three men took advantage of the arrangement, and I believe objections to the system were offered by the Secretary of State for the Colonies or the Indian Government. It may have been that then Indians were in better circumstances, and labour not so plentiful as now, but I am none the less assured that free Indians have a very great objection to re-indenturing themselves. There might possibly be a few who would do so if the rate of wages offered by the employer, the quantity of rations to be issued, &c., were sufficient according to their ideas, but with the fact before their eyes that wages for free labourers have reached 30s., and even 35s. per mensem with proportionate supplies of rations, and that this may occur again, they are not likely to bind themselves for five years for any small wage, because, at present, they are not able to earn very much more than supports them. Moreover, as the law at present stands, however anxious an Indian might be to re-indenture for five years, he could not do so.

As long as there are any Indians under indenture in this Colony for whom instalments are paid, the Government, I take it, is committed to contributing from General Revenue an amount equal to one half of the sums paid as annual payments, indenture fees, &c., by their employers, but not to exceed £10,000 in any one year without the consent of the Legislative Council. This provision is made in Section 9 of Law 20 of 1874, and if this Section of the law were repealed the instalments paid by the employers of indentured Indians would have to be raised at once proportionately. This would, it seems to me, be a breach of faith on the part of the Government, as Section 13 of the same law appears to lay down the principle that one employer shall not pay more than two-thirds of the expenses for which the Trust Board may become liable. Further than that, any loss to the Trust Board if the instalments were not raised, and of course loss would occur, would, I presume, be a charge against General Revenue at some future date.

This matter appears to me to seriously affect the position
of the Indian Immigration Trust Board, and if the scheme is entertained, I think the Board should be asked to report on it.

L. H. MASON,
Protector of Immigrants.

RESOLUTION OF THE INDIAN IMMIGRATION TRUST BOARD.

The Protector of Immigrants.

The Board do not see anything feasible in Mr. Palmer's proposals, and are of the same opinions as expressed in your Minute.

JAS. A. POLKINGHORNE,
Secretary.

PIETERMARITZBURG—SIXTY-THIRD DAY.

TUESDAY, JUNE 1st, 1886.

Examination of the Honorable H. C. SHEPSTONE, Secretary for Native Affairs.

By the Chairman:

I do not think that any bonus would make natives come out for two or three years, at present.

If they saw the advantages of the system, they might come out for a term of years, but not under their present idea of things; and I do not think that you could get them out now.

I think that you might get them for a period of 12 months.

A bonus system would be necessary for that term.

I think that it would entice natives to work for a longer period, if the bonus plan succeeded for 12 months; but you must remember that there are a great many other questions to be considered, in making these replies.

The natives would not be able to get home, and how could they see their families, &c.? These are great difficulties against their being engaged for a term of years, especially their absence from the women and their homes. They would not take their wives and children to estates.
The Administrators of Native Law have full power in cases of masters and servants, and I would leave full powers with them under the proposed system.

I would give judicial authority to the Administrators of Native Law.

There is an appeal from their decisions, in the same way as from judgments of Magistrates. Administrators have to do exactly the same as Magistrates. They make their monthly returns to the Attorney-General; only cases between native and native are returned to me.

I think that the natives would use latrines on estates.

They do object to them, but they use latrines here and in Durban.

Of course, I have had no experience on this subject, but I do not think that there would be any difficulty in compelling natives to use latrines; they would object at first, but they would become accustomed to it.

I would not pay any portion of the bonus at the commencement of the term of service.

I would pay the first installment, say on the expiration of half the time, and the balance on expiry of the full term.

The amount of the bonus would depend on the wages. The rate of wages just now is very low. You would have to pay a little more than the current rate. At the present time, I think that natives would be glad to work for 12s. per month, and I think that, if you gave them £3 as a bonus, it would be sufficient.

I would give them £1 at the end of six months, and the balance at the end of the term.

At the end of the 12 months a native would, most certainly, want to go back to his kraal. Even if he had a wish to re-commence work, he would still desire to go back to his kraal for three months at least.

I presume the best plan would be to give them more money for wages in the second year, and again more in the third year. If you wish to make it attractive to the natives, you must give them 2s. more each year. I would still leave the bonus the same, as then the total amount would be £9.

I do not think that it would be advisable to give to the employer the power to refuse payment of the bonus. If a native were brought up many times before the Magistrates, that ought to be a ground for the refusal of his bonus.

I think that the Magistrate ought to enter the punishment on the back of the natives' contract; I presume that you propose to have one drawn up for each native.

If the system be worked in my office, another officer will be required therein. There would be no difficulty, if extra hands were given to me. If the system proved to be a success, you could not, for some time, do away with the Protector and Deputy-Protector of Indian Immigrants, one for up-country, and one for the coast.

I should not like to answer the question whether the Protector of Immigrants could undertake both offices, as I
do not know the amount of work he has in his department. If he were employed to see to these contracts, &c., it would necessitate the employment of an interpreter for him.

I have no interpreter at my office. There are student interpreters, who are not fit for anything of that kind yet. It would be desirable to have someone with a knowledge of Zulu.

I do not think there would be much sickness amongst the natives. There would have to be some medical provision. The natives object very strongly to hospitals. Employers would object to them staying in their huts, when sick.

There would be far less sickness amongst natives than there is amongst the cookies.

I think that 6d. a month for each native would be ample for a medical fee.

Domestic servants never expect not to work on Sundays. If I want a man to work on Sundays, he does so. I think that you will have to provide, as to Sunday work, in the contract. I do not think that natives would object to this going into the contract, nor do I think that they would object to do work on Sunday when work was actually necessary.

I think that it would be a wise thing to prohibit the smoking of temp (insangu).

It makes some natives very quarrelsome, and some very depressed.

It should be left in the employer's power to stop hemp-smoking, if he thought fit so to do.

The inspection of estates should be done by Magistrates; but, as you say, they have not the time, as they cannot grapple with the native cases even now. Otherwise, such inspection would have to be done by the proposed Native Inspector of my department.

A branch office at Durban would be necessary. If there were no branch office at Durban, natives would have to come here to engage. I think that natives would not like to be obliged to come here for purpose of engaging.

The contracts should be signed before the various Magistrates.

I think that the Magistrates could adjust all their domestic troubles. They would go to the Administrators of Native Law in the usual course, and I think that it would be better to leave such adjustment with the Administrators of Native Law than with my department.

I think that the natives should go either to the Magistrates or to the Administrators of Native Law.

I do not wish to have any authority of that kind in my department.

The natives are very hard up now, and there has been difficulty in collecting the hut-tax. I put this down to their own negligence. They put off collecting the money to the last minute, and then perhaps, at the last moment, they have to sell a cow or a beast at a great sacrifice,
I think that the lobola system induces natives to go out and earn money to get wives.

The principal portion of the men engaged would consist of young men from 18 to 30 years of age, if you could induce any to go at all.

It would be a troublesome matter for me to attend to the working of the system, but, if I were asked to attend to it, I would do so to the best of my ability.

Six months is the time for which, generally, natives work now at a stretch; there are very few who stay longer, and those, who do remain longer, have taken a fancy to their masters.

There would be great difficulty in engaging natives, as they live in what they consider luxury at their kraals, and they have no reason to go to work.

Their wants should be increased, so that they may need more money.

The system would be beneficial both to the natives and to the Colony.

No native likes to go to work unless he is compelled to do so.

Yes, it would be a sort of extended togt system.

Natives have to pay 2s. 6d. a month to the Corporation under the togt system. They get no benefit from it, except the right of living in the barracks, for which I have found that they have to pay the Corporation a farther sum of 2s. 6d. a month.

The barracks were built from the togt money.

The Corporation does nothing for the half-crown, except keeping a register of the names of the natives who take out badges.

By Mr. Richardson:

I referred to Natal natives more than to natives of surrounding states, when speaking of the bonus system.

The bonus would be more attractive to natives of neighbouring states than to those in the Colony.

The pacification of Zululand would cause an influx of people to work here. The cause of the failure or stoppage of the emigration from Tongaland was the disturbances in the Zulu country; the road, by which the Amatongas had to travel, became unsafe for them. When the Zulu country is peacefully settled, I think that the supply of native labour from Tongaland will commence again. I have no doubt that, if the Zulu chiefs were informed not to molest these men coming through, it would be done.

If this bonus system is adopted, it would be the best plan, I think, for me to go round and explain it at the different native centres.

It is better to increase the wants of the natives than to give them a bonus.
I cannot give the amount of the increase in the number of natives who have come out this year for work, as compared with former years.

Shortly before the last hut-tax collection one chief sent out sixty young men to get work, but they could not get it, even at 5s. per month. I think that it is from the want of money in the Colony. I also think that the Indian prevents the native from getting employment.

You could not secure native servants before the coolies came, because you would not pay them the wages which they wanted. You could not get any native labourers, before the coolies came, for any fixed term of service.

The answer which I have given, that so long as a native can live in what he considers luxury at his kraal he will not turn out for work, will apply to the question as to whether a bonus will bring the natives out.

If you gave the native good wages, he would live more luxuriously, and he would not care to return to his old style of living; it would therefore be necessary for him to continue to work.

By Brigade-Surgeon Leuer:

I would give a native 3 lbs. of mealie meal per diem, as this is the ration allowed by the Colonial Engineer's Department; but this is more than they can eat, and I think that 2 lbs. would be sufficient.

Meat would be an inducement to natives, but it is not necessary.

I should say that it would cost about 7s. per month to keep a native, at the present rates.

(Mr. Richardson worked out the probable cost at the current prices, and found that it would be about 3s. 9d).

They would require salt.

I know that it is a custom, in town, to give a native meat once a week, but on estates there would be pumpkins and sweet potatoes. I do not think that it is necessary to give meat, but, as I have said, it would be an inducement. I think that natives could live for two years without meat.

A native will prove an efficient man for estate work. They would not go in for cotton picking, and I do not think that they would go in for tea-picking. They would be very good for hoeing-work and for that sort of labour.

They would never bring their wives and children, nor could you induce them to do so.

Venereal diseases are spreading amongst natives to a great extent; I have heard of those diseases in districts in which I have never heard of them before. I cannot say what the causes are.

I do not think that it is necessary that the natives should be medically examined before signing the contract.
If a man became physically unfit after three months work, I would not give him any part of the bonus, excepting, of course, in case of an accident, during employment, which was not caused by his own negligence.

It would not be possible to induce kaffir women, or their children, to work. If the kaffir kraals should be on or near an estate, the employer might arrange for the women and children to work at certain seasons, as farmers do with their servants.

I would not permit natives to drink intoxicating liquors as coolies do. I do not think that such drink would be good for them.

The kaffir is far superior to the coolie, from a moral point of view, and they are far more cleanly, as far as my experience indicates.

I think that the coolies have demoralised the kaffirs; to a certain extent, drinking, for instance, also prostitution.

Venereal diseases existed amongst the natives before the coolies came, but not before the Europeans came.

There is no caste amongst the natives, as amongst Indians.

By Mr. Saunders:

I do not think that it would be wise to legislate with a view to force natives to come out to work, with or without inducement. I think that great risk would attend the endeavour to force them to work.

We have never tried any bonus system. I do not know that any real bonus system has been tried with the natives.

I think that, if a bonus were given, it would induce natives to come out and work, more than they do at present.

I think that employers would take advantage of any system which would bring natives out to work, and they would feel the benefit. I am certain that the planters would take advantage of such system.

I should not advocate any measure being rapidly brought into operation. Introduce it on a small scale. As the natives come out, so could coolie immigration subside.

Under the proposed bonus system I do not think that you could get 10,000 men to-morrow, or within 6 or 12 months.

It does not stand to reason that men would send to India for coolies, if they could get our Kaffirs to work.

Certainly, Rules and Regulations would be necessary; they would show the natives that we were looking after them.

It would not be wise for those engaged in large enterprises to rely upon this bonus system at present.

The coolies were brought here because we could not rely upon the natives for any length of time, and I do not think that you could rely upon them now for more than one year.
By indenturing the coolies you could rely upon them for years; not so with the natives.

NATAL GOVERNMENT RAILWAYS.

Comparative Statement shewing proportionate Cost of Indian with White Labor.

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<tr>
<th>Department</th>
<th>Present Expenditure for Indian Labor</th>
<th>European Labour, Proposed Expenditure</th>
<th>Increase above present Expenditure</th>
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<tbody>
<tr>
<td>Maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gang</td>
<td>£6,240</td>
<td>£12,480</td>
<td>£6,240</td>
</tr>
<tr>
<td>Line Watchmen</td>
<td>240</td>
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J. F. MANISTY,
Superintendent,
Indian and Native Labor Department,
Natal Government Railways.

NATAL GOVERNMENT RAILWAYS.

Memo for Hon. Mr. Justice Wragg.

1. As at 31st May, 1886, the Railway Department employed Indians as under:

   Indentured: 543
   Free: 271
   Total: 814

2. The average wages paid to Free Indians of the ordinary class, 13s. per messen, old and experienced hands getting from 17s. to 25s.
3. The amount paid for Medical Fees for year 1885 was £322.

4. The price of rations of the 12-lb. scale according to present contract is 7s. 7d. each, and the cost of rations at present is about £4,000 per annum.

June 10th, 1886.

DAVID HUNTER.

NATAL GOVERNMENT RAILWAYS.

MEMORANDUM FOR CHAIRMAN OF INDIAN COMMISSION.

With reference to the conversation I had with the Chairman of the Indian Commission a few days ago I beg to state, for the information of the Commission, as follows:—

1. There are few, if any, Kafirs employed in the Railway Department, excepting in labour gangs performing duties of an unskilled character.

2. The great difficulty as regards the employment of Kafir labor upon the Railway is the unreliability of the supply and the want of continuity in the labor itself preventing the Department from having the opportunity to train men in the duties requiring some intelligence and in keeping the men after they have been trained.

3. If it were found possible to get over those difficulties, I do not doubt that the Natives could be taught to perform satisfactorily nearly all the duties which are presently performed by Indians employed in the Department.

DAVID HUNTER,

General Manager.

June 18th, 1886.

POLLUTION OF THE RIVER UMHLANGA.

[Copy.]

July 10th, 1886.

D. Cox, Esq., Managing Director,

36 Natal Central Sugar Company, Limited,

Re pollution River Umhlanga.

DEAR SIR,—I have to call your immediate attention to the pollution of the water in the River Umhlanga flowing through the Effingham Estate, caused by the quantity of refuse from the distillation of rum at the Mount Edgecombe distillery, the property of your Company, which has, I understand, for some time been allowed to find its way into this river.
I yesterday visited the Eiffingham Estate and accompanied the manager, at his request, to view the state of the river at several points in its course through the property. The stench from the cause assigned was simply unbearable, the water black, turbid and in a disgusting condition: the estate labourers complain bitterly that the river water is useless and their natural supply rendered utterly unfit for human use. The estate oxen, between 50 and 60 head, have also from this cause to drink poisoned water. Thus the health, whether of the Estate Indians or animals, is jeopardised and the river, which should naturally supply all estate requirements, rendered not only useless but a pregnant source of disease. It is, you will clearly see, impossible in the interests confined to my care that this state of things can be allowed; every day, owing to the absence of heavy rains, enhances the evil, and must make the river a b注ed of impurity; so prejudicial is this nuisance to the health of the Indians, whose barracks are close to the river, that I have great anxiety as to the issue. I must, therefore, beg you will desist from further pollution of this stream, and beg to give you notice that I shall not only hold your Company responsible, as from date, for injury sustained to estate labor or animals, but at once, if the evil is allowed to continue, take such legal action as I am advised and bring this matter to the notice of the Commission on the Pollution of Streams. Mr. H. P. Harrison is also communicating with on this matter.

Yours faithfully,
q.q. Eiffingham Estate,

(Signed) F. W. B. LOUCH.

Durban, July 12th, 1886.

The Protector of Indian Immigrants.

Sir,—I have the honor to inform you that, as the result of refuse from the distillation of rum being allowed to find its way in quantity into the river "Umhlanga," flowing through the Eiffingham Estate, the water is rendered utterly unfit for human use to the Indians on this estate, who complain bitterly of this pollution; the stench is also unbearable. The natural source of water supply is thus not only useless but most generate disease.

I inspected the river with the manager of the estate on the 9th inst. at several points on the river, and found the water black and polluted to such an extent that I am most anxious as to the health of the labourers employed. I understand the Natal Central Sugar Co. have, for some time, largely manufactured rum, and are largely to blame for this state of things. I beg to hand you copy of letter addressed to their Managing Director, D. Don, Esq.

I have to request you will take prompt action in this matter.

I have the honor to be, Sir,

Yours obediently,
q.q. Eiffingham Estate,

F. W. B. LOUCH.
Avoca House.

Report re Pollution of Umhlanga River.

ASSISTANT PROTECTOR OF IMMIGRANTS.

I hasten to forward report as requested "at once" on the above subject.

Your instructions I received late on the 13th. Yesterday the weather was such as made it physically impossible to do much in the matter; to-day, I inspected the river from above the Mount Edgecombe Mill a long distance, to some distance below the mill and distillery, with the result that I could not see any discoloration or other evidence of pollution of the river.

At the distillery I was shown arrangements which have been in force, for collecting and carrying to a distance in casks, the refuse from the distillery. This has been done since April last, and nothing allowed to find its way to the river from this distillery.

The part of the river from a short distance below the Central, to below the Avoca Hospital, I had not time to inspect yet, but I inspected it from there to close by the Effingham Coolie Barracks, until I reached a short distance on the Avoca end of the river near the Effingham Barracks. The rain of yesterday had, to a considerable degree, destroyed the inky colour of the surface of the river water; but, as you approach the Barracks, the water is still black, with a scum on the surface. For many months past I have observed this discoloration of the Umhlanga at different points, but it appeared to me, in passing, to be worse from about Phoenix some distance, then opposite Avoca Hospital, and again between Avoca and Effingham. The last manager of Effingham, at much trouble, put an effectual obstruction nearly opposite Effingham Mill, with the result that the water was then and has been since prevented from flowing freely, and is now dammed back a long distance, all the impurities that reach that point being thus prevented from getting away unless about the times of very heavy rain. I have seen the river weekly and do not believe there is any remarkable or noticeable increase in the pollution of the river of late.

So far as I am aware, there has been no increase in the sickness of late on Effingham Estate, and, as the present manager had two large wells sunk for the use of the Indians, shortly after he came, and the people do not avail themselves of this clean water, their complaint regarding the taste, &c., of the river water carries less weight with me than perhaps otherwise it would.

I understand it has been in contemplation for some time (irrespective of the river water) to remove the Barracks to a place closer to a supply of pure water. I would remark that, were there no impurities entering the Umhlanga from the distilleries, the washing of clothes, &c., &c., make it a dangerous water for human use.

JOHN McINTYRE, M.D.,
Medical Officer, Avoca Circle.

July 15th, 1886.
COLONIAL SECRETARY,

I now forward these papers to you in connection with my telegram of 13th and your reply thereto. In Mr. Louch's letter of 12th inst. he represented the matter of the pollution of the Umhlanga River as a very urgent one because of its liability to generate disease amongst the Indians employed on the Effingham Estate, and I have been very glad to learn that the river is not the only water supply available to the Indians on this estate (see Dr. McIntyre's report).

I may remark that on my visit to the Avoca Hospital on 25th June last, I observed that the water in the stream above Harrison's mill was clear for the class of river, although sluggish. I enquired at the time of the compounder of the hospital concerning the state of the river below the hospital (about a mile above Harrison's mill) and he informed me that he was in the habit of bathing in it, and it was not disagreeable, although he would not care to use it for drinking purposes. The water from the river is not used at the hospital except for washing.

As the Central Sugar Company have denied polluting the stream and their denial is borne out by the Medical Officer, the only conclusion to be arrived at, if the stream is polluted by distillery refuse, is that it has been caused by Harrison's mill.

I much regret the circumstance of Dr. McIntyre not visiting and inspecting the river before the raft set in, as had he done so he would be in a better position to judge than he is now. In his report he speaks of the water, near the Effingham Indian barracks, being "black with a scum on the surface," and, in his telegram of to-day, he attributes this to the dam constructed there, but states that he has not made a thorough investigation, as it was desirable should be made.

JAS. A. POLKINGHORNE,
Asst. Protecter of Immigrants.
(Protecter absent on duty.)

16.7.86.

Evidence taken by a Committee, consisting of Brigade-Surgeon LEWIS and Mr. H. F. RICHARDSON, concerning the pollution of the river Umhlanga.

DURBAN—SIXTY-FIFTH DAY.

SATURDAY, JULY 24TH, 1886.

Examination of Mr. F. W. B. LOUCH, Agent for Effingham Estate.

I have entire charge of the property. On July 9th, at the Manager's, Mr. G. Bazley's, request, I visited Effingham and inspected the Little Umhlanga River which flows
through the estate, the manager having reported to me that
the water was undrinkable and useless for estate purposes,
and that neither the Indians nor cattle could use it.

I found the Little Umhlanga black and stinking, the
water turbid, most foul, and utterly unfit for drinking
whether by man or beast; the stream is naturally sluggish.

The cause of pollution is dunder. I inspected the river,
with the manager, for half a mile, and the pollution existed
throughout. I knew the river to be in the same state of
pollution further up.

The coolie barracks on the estate are close to the river,
which is my source of water supply. I ordered my manager
to dig wells for the Indians and cattle, and they use them.
I was compelled to dig these wells on account of the state of
the river. Wells for the cattle were dug about 14 days ago,
those for the coolies some time ago, as the polluted condi-
tion of the river has existed for a long time.

Some months ago some of the Indians were suffering from
bloody urine, which the manager attributed to the river
water.

I think that sickness has been prevented by the manager
digging the wells.

I visited the estate again on July 21st, on account of in-
formation received from the manager, and wrote to Mr.
Harrison of the Avoca Mill on July 22nd, complaining of the
state of the river, having found it in the same state as pre-
viously reported.

I had written to Mr. Harrison on June 4th stating that the
Little Umhlanga, flowing through the Effingham estate, was
stinking and utterly useless on account of dunder from distilleries situated on, or adjacent to, the banks of the river.

I personally did not trace the source of the pollution to
Harrison's distillery. I made no attempt to do so, as I was
on one of my regular inspections of Effingham estate and
time did not permit of my doing so.

Some thirty-five Indians, living on the banks of the river
above Effingham and below Harrison's, on the Avoca estate,
complained of the stinking state of the water and went with
samples of it to the Avoca Branch Court, thinking that the
Manager of Effingham would represent their case and bear
out the nuisance complained of by them; he not appearing,
they made no complaint, but they are going to do so at the
next Court to be held on July 27th.

The first distillery on the Little Umhlanga, as it flows
towards Sea Cow Lake, is Binns' No. 2, then the Natal
Central, then Harrison's, immediately above Effingham.

We had heavy rain on July 10th, also on the 13th. I do
not think that the rain on the 13th was heavy enough to
wash away all impurities.

As regards the dam on the estate, which is supposed to
dam back the water and thus to collect impurities, I know
nothing about it; but I know that my manager had to cut a
drain, about a week ago, to drain off some of the impurities
in the river.
I do not contemplate removing the coolie barracks from the river, where they are.

The pollution I complain of could not possibly be caused by washing clothes; the idea is absurd; it is the refuse of distilleries and nothing else.

I know that the rain of the 13th July could not have made any, or very little, appreciable difference in the pollution of the water. I rode through the river on the 21st July, and the foul and stinking state of the stream was as bad as before.

I cannot trace any deaths of cattle to drinking the river-water, but they are prevented from drinking it as much as possible.

There is no wool-washing carried on near the Little Umhlanga, or any other industry which could pollute that stream.

The river was bad in 1885, when I took over the Effingham Estate, but, not wishing to make unpleasantness with our friends, I delayed taking action until the present time, when I have been forced to do so.

My own Indians could not have assisted in the pollution, as it exists above the barracks and the river flows past them. The Free Indians, who are going to complain to the Magistrate, live one mile higher up the river than Effingham.

I am unable to make a sketch of the Little Umhlanga river and the situation of the distilleries on its banks; my manager may be able to do so.

AVOCA CENTRAL HOSPITAL.—

SIXTY-SEVENTH DAY.

Examination of Mr. Doherty, Compounder.

By Brigade-Surgeon Lurvey:

I would not like to drink the water from the little Umhlanga river, because it is brackish, and sometimes it is black from pollution.

Some sort of cactus is put into the river to rot, by the Indians living about Daff’s road.

I believe that the river near the railway bridge at Avoca, and towards the Effingham Estate, is polluted by refuse from the distilleries and from mills.

I reported the rotting of the cactus in the river to the Magistrate of the Inanda Division, about October last year, and that source of pollution was stopped.
Before the rainfall of the 13th and 14th inst. the water here had a bad taste and smell and was black looking, but I could not say what caused it particularly. I, however, bathed in it.

I have suffered from bloody urine since I came to Avoca. It might be from bathing in the stream. My boy suffers from it also, he bathes in the stream.

The Committee inspect the river, close to this hospital, and the hole in which Mr. Doherty bathes. The water is clear in the current, but, in the hole, it is sluggish and looks dark; it is free from odour. It appears to us, judging from the condition of the water prior to the rainfall, according to Mr. Doherty’s evidence, that this part of the river has been flushed by the recent rain to a great extent, and that the impurities he complains of have been carried down.

EFFINGHAM ESTATE.

Examination of Mr. G. Barclay.

By Brigade-Surgeon Lower:

I have been Manager of this estate during the last thirteen months. I employ 80 Indians, of whom 69 are indentured men.

Last September I found it necessary to represent to Mr. Louch, the Agent of this estate, the polluted condition of the Little Umhlanga river as it flowed through the Effingham estate. I have also noticed the foul state of the same river both towards Avoca and Verulam.

In June last I told Mr. Louch that this river was commencing to get foul again; it had been clear about four months. Mr. Louch then visited the estate and inspected the river with me.

My coolies have often complained of the water being bad, and that it caused colic, diarrhea, and vomiting when they drank it. I had to dig wells in consequence. No deaths occurred among the coolies from the bad water, but I lost six oxen, and the bad water was the cause of death in some instances.

I know of no dam obstructing the flow of the river through the estate. There are natural obstructions from the growth of rushes and reeds. There was no dam existing when I came to manage the estate.

The Indians do not care for the well water, as it is brackish, and the wells are about 90 to 110 yards from their barracks, the river being only 50 yards distant. They do still take water from the river, on account of its proximity.
Washing clothes is not the cause of the pollution complained of; it is the refuse from the distilleries and sugar mills. I have not tried to trace the source of this pollution. I should be trespassing on my neighbours' property.

Bims' No. 2 mill and distillery are on the inland tributary of the Little Umhlanga river, and the Central sugar mills and distillery are on the coast tributary of the same river. These tributaries unite at the Phoenix railway crossing, and form the Little Umhlanga river, which then runs past the Avoca Central hospital, then Harrison's mill and distillery, the railway at Avoca, through the Avoca estate, and through the Effingham estate into the Sea Cow lake, which communicates with the Umgeni river.

The nearest possible source of pollution to the Effingham estate is Mr Harrison's distillery.

The free Indians on the Avoca estate (property of the Natal Land and Colonization Co.) produce nothing which could pollute the water as it is at present.

I cannot say what the river is like, between Mr. Harrison's and the Phoenix distillery.

I am thinking of removing my coolie barracks to a site on the other side of the Little Umhlanga river, as their present position is very much exposed to east winds, also to frosts. The new site will be further from the wells. I shall have to dig new wells, if the river remains so foul.

If the water in the new wells is as brackish as that in the present wells, the Indians are sure to resort to the river.

I was not present when Dr. McIntyre of the Avoca Circle inspected parts of the river.

Instead of the rainfall of the 13th and 14th July clearing away the pollution, it brought down more to the Effingham estate from up above.

Occasionally, when we get an inland wind, the odour of the river is perceptible in my dwelling house, but in the coolie lines the smell is present nearly every day.

Dr. McIntyre did not apply to me to point out the places in the river, complained of by Mr. Louch; in fact, he never came near me: he was, I am told, on the estate, looking at the river. On that particular day, the day of Dr. McIntyre's inspection, I was passing through the river four or five times, and the water was as bad as ever.

I would certainly not like to bathe in the river; it is too foul to wash clothes in, and for that purpose we have to cart water a mile from a small stream, on my estate, which runs into the Little Umhlanga.

I think that the pollution of the river has come from several distilleries higher up the stream.

The reason I did not complain of the filthy state of the river in July, 1885, when I took over management of the estate, was owing to having no oxen, but I at once dug wells for the coolies. When I got oxen, I found the river water injurious to them, and complained to Mr. Louch. This was in September, 1885. I think. Up to the time I dug wells for the oxen, fourteen days ago, they drank water from the
coolie wells and from the stream from which I get water for washing clothes.

We use tank water for drinking in my house. I cannot trace any sickness in my family to the smell from the river.

Several coolies pass bloody urine, which I think is caused by bad water. I hand in a rough sketch of the course of the river and the distilleries on its banks. It flows downwards past Effingham into the Seacow Lake and thence to the Umgeni river.

I am informed by my sister coolie that the free coolies on the Avoca estate intend lodging a complaint at the Branch Court to be held at Avoca on the 27th inst. re the pollution of the Little Umhlanga river. They actually did go to the Court on the 15th inst. with samples of the water, but did not lodge their complaint, owing, I believe, to not having a white man to speak for them.

By Mr. Richardson:

I had the drains cut for the purpose of lowering the water in the drifts, so that the cattle should not be able to drink when crossing impassable. When the stream comes down black, the fish seem to disappear. I suppose that they go to the clear water in the Umgeni river.

______________________________

MOUNT EDGECOMBE ESTATE—SIXTY-EIGHTH DAY.

______________________________

Examination of Dr. McIntyre, Indian Medical Officer.

By Brigade-Surgeon Lower:

I am the Indian Medical Officer of the Avoca Circle. On the 13th instant I was ordered by the Protector of Immigrants to examine into the condition of the Little Umhlanga river and to report the effects of the use of this water on the health of the Indians.

The next day was so very wet that I could not inspect the river until the day following, viz., the 15th instant.

I inspected it from near Ottawa to down below the Cen-
tral sugar mill. I did not go along the banks of the river, but examined it from place to place.

Between those points the water appeared clean, but somewhat turbid from the rain.

I then examined the river from the Avoca hospital to the Effingham Estate coolie barracks, but I was only able to inspect it in places, because I could not approach it at many spots. In places, here and there, the water was quite black, and with a greenish scum on its surface, particularly on the Avoca side of the Effingham Estate. This discoloration was caused by refuse from mills and distilleries.

For months past, I saw the river dirty in places here and there, with intervening spaces of clear water. I attribute that pollution also to refuse from making rum and sugar.

The remaining part of the river, between the Central mill and the Avoca hospital, I did not examine that day, but I had seen it before, and it was very much polluted in places, especially where its current was obstructed; the pollution was from mills and distilleries.

I said that the cause of the discoloration and scum on the river at Effingham Estate, and all along the course of the stream above Effingham, is the obstruction damming back the water and keeping it stagnant. The dams above Effingham were caused by the falling in of the banks of the river, by branches of trees, rushes, and reeds; but, at Effingham, it was caused by the drift, below the coolie barracks, being filled up to a great extent by Mr. Clarence, the former manager, who built it up with stones to facilitate carts passing over.

On my visit to Effingham, last week, I saw that the water was still dammed back at the above drift, and that no drain had been made to carry off the water or to increase the flow of the river; but I saw a number of coolies in the reeds clearing the bed of the river, as I supposed; that was on the 23rd instant.

Since last April, I believe, the dunder from the distillery at the Central Mill Estate (Mount Edgecombe), has been carted away to the cane fields. Prior to that date a great part of it must have found its way into the Little Umbhlanga River. I don’t know where the sugar filtering bags are washed on the above estate.

As regards sickness on the Avoca Estate, belonging to the Natal Land and Colonization Company, I have only had one case of enteric disease among those Indians for months. There have been some deaths among them, perhaps three. But these people, being free Indians, are not under my supervision. They came to me for death certificates: the sick people had been treated by a chemist. I certified, to the best of my knowledge, as to the cause of death. Two deaths resulted, I think, from disease of the lungs, and I could not assign the cause of death of the third person.
There has been nothing abnormal in the rate of mortality among the Indians on any of the estates under my charge on the banks of the Little Umbhanga River, nor any peculiar type of disease which I could attribute to the use of impure water.

If there was no refuse going from the mills and distilleries, the river would be polluted by fifth of every kind from the Indians and kaffirs. Washing of clothes could not account for the present dirty state of the river. It is much obstructed, all along its course, by vegetation, sugar cane leaves and trash, which contribute to the discoloration of the water. At Milkwood Kraal Estate, the manager, and the free Indians, lay the leaves of the aloe plant in the Little Umbhanga River to rot and to soften the pulp from the longitudinal fibres, in order to make rope. This decomposition takes two or three weeks and must tend to discolor and to pollute the water.

Speaking of water supply, it is only recently I have been able to obtain sufficient for the patients at the Avoca Central Hospital all the year round without using the water of the Little Umbhanga river. I applied a number of times to the Protector of Immigrants on this subject, and he replied that they could not afford to put up extra tanks, that I was to use the Umbhanga water, and that I was to boil it. I had to submit, but I wrote to the Protector of Immigrants and told him that it was setting a bad example to plasterers and others, who were sending their sick to the hospital, to find that we were so careless as to the source of our water supply.

By Mr. Richardson:

The bulk of the impurity, below the Avoca, comes from Mr. Harrison's mill and its surroundings. The vacuum pan water is decidedly an impurity, and at Mr. Harrison's it runs into the stream.

I consider the river (Little Umbhanga) to be in an abominable state; whatever obstruction there may be, the fact remains that impurities are conveyed into the river.

The dunder from Mr. Harrison's distillery is run into pits in sandy soil, and has been so run for a very long time. This sand is now so supersaturated that it cannot act as a filter. The ground is dunder-dug, and the dunder must percolate through the walls of the pits. It is a quagmire of dunder.

I did not inspect the wells at Elingham Estate; Mr. Paxley told me about them. I do not know the quality of the water in them; but have been told that the water of most of the deep wells is brackish, along the valley of the Avoca. The brackish water may be a little unpleasant to the taste, but it is far preferable, for drinking purposes, to that of the Little Umbhanga river.
By Brigade-Surgeon Laver:

The smell complained of by railway passengers passing the Central Mill estate at Mount Edgecombe, is due to emanations from the manure-heaps of dunder and trash.

CENTRAL MILL DISTILLERY—MOUNT EDGEcombe.

Examination of Mr. W. J. E. Bourke, Excise Surveyor.

By Brigade-Surgeon Laver:

I am the Excise Surveyor of the distillery on this estate, also of the distillery at Mr. Binns', No. 2 Mill, Phoenix.

On this estate we make about 1,600 casks of rum a year, and at Mr. Binns' about 100 casks.

At present, on this estate the dunder is run into a tank and is carted away to the fields. This has been done since the 1st of May of this year. Previously, a good deal of it escaped, from a hole in the ground, into the adjoining stream. About 2,900 gallons of dunder per diem have to be got rid of here. I have been in charge of this distillery since the 7th of January, 1886.

Examination of Ismail Hami Hassan, an Arab Storekeeper, living nearly opposite and close to the place at which the sugar filtering bags of the Central mill at Mount Edgcombe are washed.

The filtering sugar bags from the Central sugar mill are washed in the stream running in front of my store every day. Perhaps 100 or 200 bags are brought in a cart, morning and evening. We cannot drink the water, and have to get our supply either from the reservoir or from another stream which runs under the road leading to Verulam. The water of the stream in which the bags are washed smells bad. The cookies have been washing the bags at this place since the mill was made, I think, certainly, for three or four years.

There has been no sickness amongst us. I am not able to say anything about the stopping of the washing of these bags, but it would be good if the white people would stop it.
Mr. G. Bazley's Rough Sketch of the Course of the Little Umhlanga River.

The observations a, b, c, and d, were made by the Committee appointed to inspect that river.
On the above date we inspected the river in its course through the Avoca Estate, the property of the Natal Land and Colonization Company, and found the water covered with scum, black, and of bad odour, evidently from dunder and sugar refuse. We visited the free Indian location on the above estate; these Indians were loud in their complaints of the foulness of the river. They said its water caused vomiting and diarrhoea in their children, and that they themselves suffered from colic and looseness of the bowels from using the water.

We inspected this river in places for a space of over three miles, crossed and recrossed the drifts on the Effingham Estate, and found the water, at every place at which we examined it, black and impure. The stirring up of the water, in crossing the drifts, caused it to become blacker in colour and to emit a bad odour.

The river throughout its course is sluggish and has many stagnant pools of almost inky colour.

From the Avoca railway bridge down through the Avoca Estate, Effingham Estate, and to the Sea Cow Lake, where our inspection ended, the river spreads out into large areas of marsh, covered with vegetation. The water of these areas appeared to be full of polluting matter.

We inspected the new well which was sunk 14 days ago on the Effingham Estate to supply water for the oxen, as the river water was undrinkable. We also inspected two wells on this estate, mentioned by Dr. McIntyre in his report; they are disused brick-pits above the level of the Little Umhlanga river, between the mill and coolie barracks. The water is fairly clear, but it is said to be brackish. At the time of our inspection, the Indians were drawing water for domestic purposes, and, from the way the banks are tramped and from the appearance of the paths leading to the pits, we consider that most of the Indians obtain water from these pits.

MR. HARRISON'S.

We inspected Mr. Harrison's mill on the same date, and found the vacuum-pan water running direct into a tributary of the Little Umhlanga river distant about 100 yards. This tributary has a bad smell and, in every pool, a dark deposit is present. A new wooden trough, much larger than the old one, for the purpose of carrying the dunder across the above tributary, was being put in position at the time of our visit. The dunder from the distillery runs through this trough into a pit, made in the sand and at a higher level than the Little Umhlanga river or the above tributary and only a few yards from the banks of the latter. The dunder is pumped from this pit and is allowed to run over the ground where ashes and trash are placed. Surplus dunder, not absorbed by the ashes and trash, finds its way into an open drain which leads into the Little Umhlanga river above the point where the vacuum-pan water enters this river. This drain was partly obscured with cane-tops and with trash, under which we saw a dark deposit, evidently from dunder.
The river at the point crossed by the Railway, and below the spot where the vacuum pan water enters it, has the same smell as the water coming from the mill to the river.

Further Observations, 28th July, 1886.

On passing Mr. Harrison's mill this day we noticed a coolie removing the trash from the drain, down which the dander runs into the river. We also noticed a pool of dark fluid, having a very bad odour, which had been obscured by trash; this drain is the one alluded to in our notes of the 26th instant.

The Committee inspected the River and its tributaries in the neighbourhood of the Natal Central Sugar Company's Mill at Mount Edgecombe on July 27th, 1886.

On the Verulam side of the Railway Station and adjacent to the railway coolie barrack's the river is clear, no scum being on the pools. A small stream runs under the railway between these barrack's and the station; this stream is formed by two streams joining a short distance from the bridge; one of these streams above the junction is clear, the other, which flows from one of the dams on the estate, is greatly polluted. This pollution is caused by the Indians washing in it the sugar filtering bags from the mill; these bags, numbering about 180, have been washed in this place twice a day, and then hung over an iron rail crossing the stream, in order to drip. The Indians, who brought these bags during the time we were there, informed us that they had always washed the bags in the stream, but that they now brought a tub in which to wash the bags for the first time, by order of the manager. Below the spot where the bags have been washed, there is a thick scum, resembling sugar-skimmings, on the pools; above this place the water is clear. This stream runs, on the opposite side of the road leading from Durban to Verulam, to an Arab store and crosses the road a short distance from the store. The people in the vicinity say that they cannot use the water of this stream and that they have to get their water from either the reservoir or the other stream which runs under the road a little nearer Verulam. In case of heavy rain all this scum must be washed into the Little Umblanga. Below the place where these streams enter the river, the water is not so free from discoloration as in the vicinity of the Railway coolie barracks. There is a small stream which runs past the distillery, the pools of which have a dark scum and the water, when agitated, smells of dander. This stream bears evidence of having been polluted by dander at some previous period and enters the Little Umblanga on the Durban side of the Railway Station, but at present the dander is drawn in casks from the distillery and distributed over the land being prepared for sugar-cane.

Along the banks of all these streams we observed human excrement.

On our visit to the Central Mill Estate, Mount Edgecombe, this day, we met the Magistrate of the Inanda
Division (Mr. Titoren), who informed us that the free coojies from the Avoca estate had been to his branch Court at Avoca that morning to lodge a complaint concerning the impurity and pollution of the Little Umlhanga river at their location. The complaint could not be entertained, as no sworn deposition had been made against any particular person as being the offender.

Mr. Titren expressed to us his opinion that the river was much polluted, and pointed out to us, as he travelled in the train, several places in the river which were much polluted. The Clerk of the Court, Mr. D'Hotman, who was present, also pointed out the polluted state of the river. Both gentlemen complained of the smell from the duned at the Central mill, and said that they had to hold handkerchiefs to their noses when passing this estate; they, further, said that the smell had been so bad that persons shut the windows of the railway carriages.

28th July, 1886.

To-day the Committee proceeded to Duff's Road railway station and drove to Milkwood Kmaul Estate, to enquire into the reported pollution of the river by steeping the aloe plant to extract its fibre for rope-making. The manager, Mr. Blamey, pointed out the place in the river where he had steeped the plant last year; it is now overgrown with reeds and rushes.

We observed no pollution; the water was lying in pools and filters through sand from pool to pool.

Mr. Blamey informed us that there were no Indians engaged in steeping the aloe plant, as reported to us by Mr. Doherty, the compounder of the Avoca Central hospital, to have been the case about October last year.

We then proceeded to Mr. Bann's No. 2 mill and distillery, a short distance from the Phœnix railway station; they are situated on a tributary of the Little Umlhanga river. The water of this tributary was lying in pools near the distillery. The road across the tributary was almost dry; the water from above it percolated through the sand to the pool below. In a pool, above this road and about 100 yards below the mill, the water was fairly clear and did not show signs of pollution. We inspected the duned pit, into which duned was running, through a pipe, from the distillery. There was evidence of this pit having at some date burst its bank to a small extent, and, from the appearance of a channel, duned must have run down the slope to some low-lying land. It could not have found access to the stream, on account of an elevated roadway intervening. There is another pit, between the distillery and the stream, into which is run the washing of the vats of the distillery and the washings of the sugar mill. The gutter, leading to this pit, had evidently overflowed, the washings escaping into the river and forming a thick scum in a pool just below a dam which supplies water for the distillery. We consider that this pit is too near the river bank.

We then inspected the junction of this tributary or stream and that running past the Central mill and distillery at Mount Edgecombe. The water in the pools of the stream
from Mr. Binnis' No. 2 estate was fairly clear but there was much matter, consisting chiefly of mealie stalks, thrown in by free Indians who cultivate the land adjoining.

In the stream from the Central mill, the water was darker in colour and impure. In this stream also there was a large quantity of mealie stalks.

We then continued our inspection down the Little Umbhlanga proper: on the way to Avoca, crossing the stream which runs from Milkwood Kraal and which showed no sign of pollution. The further we went down the Little Umbhlanga River, the darker and more impure we found its water. The vegetation about it was also dense and rank, and in varying stages of decomposition.

On arriving at the river at the Avoca mill and distillery, we observed a coolie removing armfuls of trash from a drain which runs from the ground, appropriated for depositing dunders on Mr. Harrison's property, into the river. In this drain was a pool of very dark fluid, which had a very bad odour of old dunders—we have already alluded to this drain in our remarks, on Mr. Harrison's property, of the 26th instant.

After the publication of the report of the Commissioners, Mr. Don forwarded to the Chairman a copy of the letter which he wrote in reply to Mr. Louch's letter of July 10th, 1886. That copy is here printed, with the 5th paragraph of Mr. Don's letter to the Chairman.

[COPY.]

Natal Central Sugar Company, Limited,
Durban, 13th July, 1886.

F. W. B. Louch, Esq.,
q.q. Ellingham Estate.

DEAR SIR,—In reply to your letter of the 10th inst., delivered yesterday, I cannot but feel surprise, as well as regret, that you should have written on the subject, particularly in a strain so menacing, without first, apparently, taking any pains to ascertain facts relative to your allegations.

Had you favored me, or any one else connected with the Company, with a personal reference on the subject, you could have learned that no refuse whatever, from the Mount Edgecombe distillery, has found its way into the Umbhlanga River for months, does so now, or is likely to do so in the future.

Yours faithfully,
(Signed) D. Don,
Managing Director.

The 5th paragraph of Mr. Don's letter to the Chairman:

5. On the question of pollution of streams, I may be allowed to add that when our distillery is at work its refuse
BILHARZIA HÆMATOBIA.

Documentary evidence before the Commissioners.

OPINIONS OF MEDICAL OFFICERS.

DR. RICHMOND R. ALLEN, Pietermaritzburg.

It usually attacks youths, not often male adults, and rarely females of any age or class. When I was on the coast I was constantly consulted by Indians for the treatment of this complaint, and I then attributed a good deal of it to malarial poisoning.

Billharzia does not prevail amongst Indians to the same extent that it does amongst the European portion of the population—at least according to my experience in this circle. Scarcely a European had escapes this disease. I have had a number of youths under my treatment suffering from this affection between the ages of 7 and 18 years; I may here remark, however, that most of these patients were from the coast. The ailment often disappears of itself at or about the age of puberty. In many cases, if the patient has a severe fit of illness—a fever—the disease is permanently eradicated before this period.

I am of opinion the disease is contracted by persons drinking stagnant or surface water in excess, and very often when overheated. As a means of prevention of the ailment, I would make an almost hopeless suggestion, that the water should be boiled, and, if possible, filtered before drinking. Removal of the patient from the place in which the disease was contracted would also be advisable, as Bilharzia is endemic to certain localities. Alcohol when taken "to kill the cruelty of the water" does not destroy the eggs of the parasite, although it is commonly supposed to possess this virtue.

DR. McINTYRE, Avoca.

This entozoon is found in many parts of Africa, but, so far as I am aware, its natural history and effects on the health of man is but imperfectly known.

It prevails to a great extent in Egypt, acting on the bowels, liver, &c. It is also said to be very prevalent at the Cape of Good Hope, and there affects the urinary organs, producing Hematuria.
It prevails to a considerable extent in Natal among Europeans, Indians, and natives. Since coming to Natal, I have had patients, European, Indian, and Native, suffering from Haematuria caused by this insect.

The insect is supposed to be swallowed in the drinking water. It can only be seen with the microscope, and consequently detection before the mischief is done is almost impossible. In some cases the effect on the health is most disastrous, in others less so. I have had European patients who had been under the care of eminent medical men both in Natal and Europe, without much visible benefit. I have also had many natives under my care for the same disease.

I have also had numerous cases of it among the Indians, mostly children, and more males than females.

At first on coming here the disease was new to me, and I could get little information respecting its cause or treatment, but, by persevering care and observation, I gradually obtained some idea of the management of such cases, and have had reason to be pleased with my success in combating the disease.

From what I have personally seen of this disease here, when caused by the "Bilharzia Haemstobium," I think nothing can be expected from prevention.

Suitable and early treatment of symptoms is the only course I can recommend.

I may add, I do not think it prevails among any of the races, including Indians, to such an extent as to cause alarm. I should think Indians suffer less, proportionately to their numbers, than natives or Europeans. Why, I cannot well understand.

Dr. Jones, Stanger.

This disease prevails to some extent amongst all classes of the community in this Division. As a rule the young are more subject to it.

About a dozen cases on an average occur annually amongst the Indians. The water is generally considered to be the medium by which the parasite is introduced into the system, and I believe that this is actually the case. There is a large district on the Nonoti River, where the disease is very general—the water is beautifully clear—but notwithstanding, natives and others who drink the water suffer from the disease.

With reference to prevention, I can only suggest that tank water should be used in those localities where the disease prevails. Boiling the water might suffice—but coloured people will never go to the trouble of doing so.

I have found injections of infusion of quassia into the bladder sometimes useful, but patients appear to derive most benefit when taking bicarbonate of potash in infusion of buchu leaves. Turpentine and gallic acid also sometimes do good.
Dr. Greene, Isipingo.

I cannot find that there are any cases among the Indians—among the white population only one patient suffering from it has come to me for treatment.

This case I treated with carbolic acid administered internally and with satisfactory results, all the symptoms being greatly relieved; but I regret to say I lost sight of the patient before I could state he was completely cured. From his not coming again, I believe, the treatment was successful. The principal remedies which have been used are calomel and turpentine. I have also heard of iodide of potash as a remedy.

"These parasites are very prevalent in those persons who drink the unfiltered waters of the Nile and who consume the fish from this river in a half putrid state" (Tanner's practice of Medicine).

"Hematuria, occasioned by the fertile ova of this entozoan, is remarkably prevalent at the Cape of Good Hope, especially at Uitenhage and Port Elizabeth" (Dr. Aitken).

It would appear to be a reasonable precaution, that the inhabitants of localities where the disease is prevalent should not drink unboiled or unfiltered water, and that the fish they consume as food should be fresh, thoroughly cleaned, and well cooked.

Dr. G. L. Bonnæe, Senior, Durban.

Bilharzia or Distoma hematobia, being an affection almost exclusively confined to males of tender age and spontaneously disappearing at, or even after puberty, and causing so little inconvenience, possessing so little tendency to turn into a serious malady, and interfering so little with the ability of the young patients to indulge in all the active recreations of that age, that I have very seldom had an opportunity of systematically treating the malady.

Dr. R. Batho, Staff Assistant-Surgeon, in a report on Hematuria of the Cape of Good Hope and Natal for 1870, says, in reference to this disease and the obscurity with which its origin is invested:—

"It must be regarded rather as one of the curiosities of pathology, than as an affection of much gravity or importance. Like flies in amber, the chief interest attaching to the Bilharzia in the bladder is 'how the devil they got there?'

Causes not known. The disease appears to be endemic in some localities and to Certain others. Durban and Pietermaritzburg are set down as special localities for its manifestation and development. Dr. Cobbold has ascribed it to the introduction of water into the system containing sewage in a high state of dilution. The use of rain water in tanks, to which no sewage can have access, disproves this assumption.

Whether the animal enters the system as a trematode or a larva is not ascertained.

It selects special organs in the body as its home. Some
aver that its presence is confined to the neck of the bladder, but it has also been found infesting the “portal system,” or veins in the neighbourhood of the liver.

Those who take the former view have proposed attacking the parasite by insecticide injections. Dr. Batho says of this treatment:—“I am of opinion that it is required in very few cases, and would be submitted to by fewer, and that it would, in our present knowledge of the disease, be well to wait until it is found that tunnels in the mucous membrane exist before applying somewhat heroic remedies for relief. Besides, should the view be correct that the portal veins are also infested with the ova or larvae, such remedies, so applied, could be of no effect whatever towards a cure, and might do serious harm.”

My own opinion, from the experience I have had of Haematuria from the presence of the Bilharzia, is that when the discharge of blood is not of that extent to cause anxiety, which it never is so far as my observations go, the system of the little patient should be kept up in every way, and the discharge kept in check by acids and iron tonic astringents, until puberty arrives, when as a rule the malady spontaneously disappears.

In cases where it would be desirable from constitutional causes to get rid of the parasites, I would saturate the blood with the cautious administration of insecticides such as Santonina, Sulpho-Carbolute of Soda, or even Arsenic, carefully watching the effects of the remedies that no undue action should be developed by them on the general system.

Dr. MENGESHAUSEN, Howick.

The disease known as bilharzia hematothia (distoma haematobium bilharz) has not come to my observation in this up country circle, neither in Europeans, natives nor Indians.

The chief symptom of the disease is haematuria in intervals and it has been observed by me while Surgeon Superintendent in the Provincial Hospital of Port Elizabeth.

Other symptoms arising from the presence of the distoma in the portal and mesenterial veins are not prominent enough for guidance; and as I have not been able to observe any patients in a hospital here, where in such cases the ova of the parasite would from time to time be seen in the urine, I cannot be quite sure about the existence of the disease here.

I must suggest that where the disease is prevalent all water, which is consumed internally, should be either boiled or filtered before it is taken, as the disease is imported into the human system by drinking filthy water.

Dr. KRETCHMAR, Vernam.

Haematuria does not exist in my division as a localized complaint. A few cases have occurred during the past years.
ENTOZOA.

Billarzia Haematobia, or Distoma Haematobium.—A cylindrical trematode worm nearly half an inch in length. Males and Females distinct, former the largest, and having an under surface of abdomen, a longitudinal groove in which the female is lodged during copulation. Gives rise to Haematuria, Intermittent Haematuria of Egypt, the Cape, &c.; ova found in urine. It is very common in Egypt, and especially infests the bodies of those who drink the unfiltered waters of the Nile. It is probably the cause of a peculiar form of haematuria somewhat prevalent in Egypt, Southern Africa, and in the Mauritius. Chief remedies—calomel and tarpentine.

As to the careful investigations now being made by Dr. Tritton, Umzinto, into the life-history of this parasite, see notes and observations, Umzinto Central Hospital.

DAKKHA-SMOKING.

DOCUMENTARY EVIDENCE BEFORE THE COMMISSIONERS.

Extract from the report, for 1882, of the Medical Officer of the Avoca circle.

"I have reason to believe the use of Indian Hemp, _Cannabis Indica_, is on the increase among Indians. It is very hurtful to the health of those who use it, and the cause of much obscure sickness, exhausting and depressing the nervous system. I would respectfully suggest that its destruction be ordered and its use prohibited."

Letter of Dr. RICHMOND R. ALLEN, Medical Officer of the Pietermaritzburg circle.

Maritzburg, 17th April, 1884.

Sir,—I have the honour to inform you that a Coolie man in the employment of Mr. H. Erfman, Cato Ridge, whom I visited yesterday, is suffering from the dire effects of smoking "Dakkha." He is becoming demented from the habitual abuse of the drug, and unless his evil habit is checked he will soon be useless to his Master. So many bad cases have come before my notice lately—one proving fatal—from the effects of this drug, that I feel it my duty to call your attention to the fact, in the hope that some steps may be taken to punish the offenders either by fine or imprisonment. If, however, the habit is not suppressed, Indians should at all events be instructed to use the female plant only, and that the fumes should be passed through water, so that the drug may be used with the least possible detriment to the consumer.
There are a number of Indians in this circle who have become chronic invalids from smoking "Dakka," and I would feel obliged if you would bring the circumstance before the notice of the Protector for any action he may deem necessary in the matter.

I have the honour to be,
Sir,
Your obedient Servant,

RICHMOND R. ALLEN,
Deputy-Protector, Maritzburg.
Medical Officer.

REPORTS OF MEDICAL OFFICERS,
MAY, 1884.

Dr. Richmond R. Allen, Pietermaritzburg Circle.

Indians living in this circle make use of the drug known by the name of Dakka (Indian Hemp) largely—probably one fifth of the number of Indians smoke the drug to a detrimental extent, and many ailments are due to the use of it.

The following is a brief summary of a few of the many cases which have recently come before my notice suffering from the effects of Dakka smoking, viz.:

1. A death at Wallacetown, which I duly reported with post mortem result on 8th April.

2. A coolie employed by Mr. H. Erfmann suffering from Bronchial irritation and mental aberration, reported to your Deputy on 17th April.

3. A coolie from the Railway sent me by the Platelayer because he appeared "strange." He suffered from Dementia which I reported to the Deputy-Protector on the 4th March.

4. A second coolie from the Railway who was carried to me on a stretcher on the morning of the 11th April, apparently in a dying state. He was in a profound coma and life was with difficulty restored.

5. A third coolie from the Railway suffering from debility, asthma, and gleet.

6. A coolie from the Brickyard suffering from retention of urine.

The Indian Hemp plant is gathered at this season of the year and used almost in its green state, when its hurtful and active principle (Cannabis resin) and a volatile oil are most powerful and particularly obnoxious to the con-
sumer. At any time Dakkha is most detrimental to the health. Even as a medicine this drug has to be used with special caution, for during its administration—let the dose be ever so small—the patient has to be carefully watched lest he should injure himself whilst mentally incapacitated from its peculiarly intoxicating effect.

Many of the suicides committed by Indians are caused by dakkha, a fact to which any Asiatic can bear testimony.

It is a mistake to suppose Indian Hemp can take the place of tobacco, for the effect of one is entirely different to the other—so antagonistic are their respective effects as to be considered antidotes. Opium, however, and Indian Hemp are almost identical as regards their effect, and the prohibition of the use of one would no more be a harsh and oppressive measure than that of the other. These drugs cannot be used in moderation when once the habit has been contracted, and the issuing of a notice making the use, collection, or possession of dakkha illegal would be most desirable, and would be followed by beneficial results.

The use of this plant is, I believe, prohibited in the Mauritius, and I fail to see how the prohibition of the use, collection, or possession of the drug can be considered harsh and oppressive in Natal and not in the Mauritius.?

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Dr. G. L. Donner, Senior, Durban Circle.

The use of the weed is almost universal in my circle, amongst the very young, as well as those up in years.

The testimony of those who supervise labor, goes to show that its use renders the men unsteady in the performance of their work, incapacitates them for exertion, and makes them careless in fulfilling the orders and directions given them, and its continued use is associated with a proclivity to indulge in intoxicating liquors.

These evils are in direct proportion to the quantity consumed by the individual.

I have not noticed that its use is directly deleterious to bodily health, but, as it undermines nervous power, the functions, especially that of digestion, get imperfectly performed, assimilation is interfered with, and the individual puts on a sickly, saddened aspect, and loses flesh; sure tokens that the vital processes are being performed under a deleterious and oppressive influence, whether dakkha in the black or tobacco in the white.

I am of opinion that many cases of mental weakness or imbecility in the Indian arise from the excessive use of Dakkha, and, though no specific bodily disease may be induced by its use, yet indulgence in such a powerful narcotic must undermine the constitution and render it less able to resist the attacks of disease, or combat disease when once established.

I question the possibility of limiting the quantity of dakkha to be used; like all other unnecessary indulgencies, the keeping of its use in moderation is a far more difficult task than breaking off the habit at once and altogether.
The parallel in the Minute between the use of Dakhha and tobacco is untenable. It would be more complete, were spirit-drinking, or opium-smoking, substituted for tobacco.

In conclusion, it is my opinion that the use of this plant, as at present indulged in by our coolie population, is not so much a question of positive injury to bodily health, as making the man a negation in respect of ability to perform the work satisfactorily which he was brought here to do.

Dr. J. McIntyre, Avoca Circle.

From my experience in the treatment of Indians (and natives) suffering from the effects of smoking Indian hemp, I should expect great benefit would result to the Indians by its compulsory destruction, and the use of it by any one made illegal.

While an individual is under its influence he is generally listless, eyes glassy and suffused, with a vacant stare, he has no disposition to exert himself, the pulse is soft and weak, temperature normal, complains of languor and debility. As most of these symptoms are not peculiar to hemp smokers, and as they almost always deny using it, when the case is chronic, and the man often absent from work, a residence in hospital for a few days, and enforced abstinence from his accustomed luxury, generally completely restores him, and he returns to work. In such cases of enforced abstinence, I have not found patients suffer from the want of it, nor long and beg to have a little, as the dipsonmaniae, the tobacco and the opium-smoker generally does; therefore I incline to think the use of hemp does not come to be felt by the person as a necessity even to comfort, nor the want of it any hardship.

I believe it frequently leads to night-blindness and amaurosis, and if not the main cause, I have at least met with cases of nervous disease in chronic hemp smokers which induced me to look to the hemp as a considerable factor in producing the disease under observation.

In short, I consider Indian hemp a pernicious, dangerous, and troublesome weed (or plant), and I would hail with pleasure an edict for its destruction on estates, and the growth (unless as a botanical curiosity), use, or possession of it made illegal.

Dr. Kretzschmar, Verulam Circle.

Hemp smoking is detrimental to both bodily and mental health.

Formerly it was the only weed—hemp—which the Indians used, but, since the cultivation of the tobacco plants has become an important article of trade among them, hemp was gradually superseded by the more wholesome article of genuine, good tobacco.

There are plenty of tobacco plants, where formerly the hemp plant was nourished and had disappeared.
There came to my notice or rather suspicion, that the injurious habit of hemp-smoking could only be accounted for as the cause of ill-health, but such cases are now very rare.

It was readily admitted by the smokers, that they mixed a few hemp leaves with the tobacco, but not to any excess; they were warned against its use. But the Indians pleaded, that from youth, without excess, they had been accustomed to this article for smoking and never carried the indulgence to excess.

From the foregoing it will appear, that a prohibition would be harsh and oppressive.

Dr. Mengelhausen, Howick Circle.

The Indian hemp (dakkha) is used also in this circle by the Indians, and often in excess, so that it frequently happens that coolies complain about pain in the heart, depression, and disinclination to work. Such are the symptoms, if Cannabis Indica is used moderately; besides, the heart is beating slower, the temperature of the body is lowered slightly, and the blood pressure of the body is raised a little. If the hemp is used intemperately, hallucinations and illusions are observed, the body seems to lose its equilibrium, is bent too much forward, when walking; the patient seems to have the feeling of lightness (a sensation as if his body would fly.) If the intoxication is still more marked, a narcosis like that produced by chloroform is observed with snoring, and nothing can rouse the victim, and a small dose more would kill.

As there is a great temptation to use the poison, after the effect of previous intoxication has passed over, again, and with the inclination to use more each time, it would seem decidedly advisable to issue a notice making the cultivation or possession of the plant illegal, on the ground that Indians use it in excess and to the great detriment of their health.

I have saved, not long ago, a coolie child from being poisoned by the hemp gradually. This baby was suffering originally from acidity of the stomach (indigestion) and the parents gave the drug to keep the child quiet at night, until I had to stop them from killing the baby gradually.

I would not not say very much against the use of the drug by the alimentary canal in the way the Haschissn is used by the Egyptians and Arabs, as the effect taken through the stomach is not so severe and not so quick as when being smoked.

Kafirs who smoke it with passion I have seen dying of consumption, and many a poor wretch, who is under the constant influence, wastes away to bone and skin.

If there are certain Indians who have been accustomed to smoke the herb from their youth up, the danger of using always more and more ought to be sufficient to stop them from using it, and this the sooner the better.

Tobacco is a very good substitute. If one takes too much either by smoking it or by eating, nature always helps to rectify the too much and punishes the consumer either through severe headache or heartburn or through vomiting,
as the case may be, and, if it is used in moderation, it helps to
digest food and irritates the peristaltic motions of the intes-
tines in a pleasant way.

As a great many Indians already use the tobacco I can
believe that those, who use the hemp, will be able to change
the worse for the better, if necessary, without one being able
to call the motive harsh and oppressive.

Dr. Jones, Stanger Circle.

As far as I can learn, sango or dakkha is not very much
used by Indians in this circle.

Tobacco is grown in every coolie garden, and is smoked
and chewed by them—sometimes to an immoderate degree.

There can be no question whatever but what the use of
dakkha is most injurious to health; and, seeing the case with
which Indians can grow tobacco, I can see no hardship in
prohibiting the use of the hemp altogether.

I may mention that the practice of opium-eating prevails
to some extent amongst the Indians in this circle, and it will
be almost impossible to prevent it.

Dr. Green, Isipingo Circle.

Indians in this circle are addicted to the use of Indian
Hemp, though to what extent I cannot certainly speak. I
should imagine it to be a pretty general habit.

In my opinion the smoking of dakkha ranks with that of
opium, and is decidedly injurious to health.

Indians have been brought to me for treatment, who have
really incapacitated themselves for work by the use of this
drug—the symptoms being prostration to a greater or less
degree, incoherent speech, and in some few instances what I
can only term temporary lunacy.

I have also had patients suffering from locomotor ataxy,
induced in my opinion by the continual use of Indian hemp.

Indians smoke and chew tobacco; I cannot, therefore,
agree with the idea that "Indian hemp takes the same place
with them as tobacco with the European." I rather regard
it as a substitute for opium.

Dr. Tartron, Omsinto Circle.

I have enquired from Indians on the estates in my circle as
to the use of this drug, and I find there are a few men on
most of the places who use it, but they all say in moderation,
and I can find no case in which a man has suffered from the
injurious effects,
It is very largely used among the natives, from whom the Indians mostly obtain it.

This drug, when smoked, produces exhilaration of the spirits and is generally pleasant to the smoker. In its anodyne and soporific action, it resembles opium, but its after-effects are less unpleasant: it does not produce constipation nor loss of appetite.

There is no doubt that men get used to it and so do not suffer from its bad effects; for example, there is a case on record by Dr. Garrod in which a man took four fluid drachms of the tincture three times every day and yet did not suffer, whereas fifteen drops will produce marked symptoms on one unused to it. Taking all things into consideration, it does not seem to me that the use of the drug in moderation, by men who work hard all day, can have any injurious result—though I believe, by constant use, the elasticity of the lungs is to some extent impaired, which tends to produce a cough.

Opinion of Mr. T. Cook, Manager, Catc Manor Estate.

Re INDIAN HEMP.

My experience of coolies using this is that it very much debilitates them, rendering them unfit for work, also in many cases it produces semi-madness. I had quite lately a case of a man, named Kalloo, who became kabbidi through the use of it, and, in my opinion, very stringent laws should be passed against the use or possession of it, which law should be enforced and not played with.

REMARKS OF THE PROTECTOR OF IMMIGRANTS.

JUNE 1884.

In my annual report for 1882, under the heading "Health," I inserted an extract from the report of one of the medical officers drawing attention to the injurious effects resulting from the use of this drug. For a long time past cases have frequently come under my notice of Indians, some of them quite young men, who otherwise should be robust, active, and healthy, whose strength and manhood seemed to have been sapped by an over-indulgence in the use of this weed. It is rare that such men will acknowledge that the illness from which they suffer is brought on by this cause, fearing, I suppose, to lose the natural sympathy a man who has no share in causing his sickness gets. But in many instances the sufferers confess that the smoking of dakka is the cause of their physical derangement. This would seem to have been the case in one or two instances I have had under notice recently where men, who on being brought in here were so stupified from the effects of the drug as to be unable to proclaim their own identity, have, after a short confinement in depot, where they have been prevented from using it, considerably improved in bodily health and regained some command of their mental faculties.

I have never come across an employer of Indians who had a good word to say for the hemp plant; its use is looked
upon as a certain precursor of evil, and, although I am prepared to acknowledge that some difficulty may at first be experienced in carrying out the provisions of a rule designed to prevent its use, I do not despair of ultimate success. And in the meantime the knowledge that the use of dakkha is made illegal, because it is injurious to health, will probably have the effect on the law-abiding portion of the Indian community of causing its use to be gradually discontinued, partly because of their respect for the law, and partly because of their respect for their constitutions. The latter reason being confirmed, as it would be, by legislative enactment should also have great influence with parents in preventing the rising generation from indulging in the baneful habit of dakkha smoking.

I may say that since this subject arose under these papers I have received information of a death from dakkha poison, complicated with other ailments, in the Howick Circle.

LETTER FROM THE NATAL EMIGRATION AGENT
AT CALCUTTA.

Natal Emigration Agency,
No. 8, Garden Reach, Calcutta,
16th September, 1884.

Sir,—I have the honor to acknowledge the receipt of your letter No. 548-84 of 30th July with reference to the consumption of cannabis (Indian hemp) as a narcotic by the natives of this country.

2. The sale of cannabis, along with other narcotics, is to some extent penalised in India by the issue of licenses to the vendors.

3. When Agent-General of British Guiana I endeavoured to put a stop to the import of this drug into the Colony, but only succeeded so far as to have the duty doubled.

4. In Trinidad the importation of cannabis (Gunja) is prohibited, as also its cultivation. The plant, however, grows readily in the Colony, but the toxic properties of the drug produced there are by no means so great, and its evil effects are less felt.

I have the honor to be,

Sir,
Your obedient servant,

ROBERT N. S. MITCHELL,
Emigration Agent for Natal.

The Protector of Immigrants, Natal.
FURTHER REMARKS OF DR. RICHMOND R. ALLEN,

PITTMARITZBURG CIRCLE, JANUARY, 1885.

Smoking Indian hemp (Cannabis Indica) is a vice which is carried on to an alarming extent in this and, I presume, in other Circles. Two deaths can be directly traced to it. A suicide and a death from paralysis of the heart, and a third would have succumbed were it not for timely medical assistance. I have certified from time to time that Indians have absented themselves from work because of the sickness induced by this habit, and when brought before the Resident Magistrate the employer has been informed "that it is not a punishable offence." The Indian is encouraged to continue his pernicious habit in defiance of anything his master may say in consequence of such a decision. The employer next appears before the Resident Magistrate charged with assaulting his refractory servant.

The mixture which the Indians consume is made up of tobacco, opium, Indian hemp, and brown sugar, and as the fumes from such compounds, when ignited, are not even passed through water, to abstract the volatile oils and cannabin resin irritant poisons, the habit must be all the more injurious. Every employer, I dare say, is familiar with the cataleptic state in which Indians are found from time to time; and such affections as mania, dementia, and melancholy, often terminating in suicide, are events of constant occurrence from indulgence in dakhha-smoking.

FURTHER REMARKS OF THE PROTECTOR OF IMMIGRANTS, MARCH, 1885.

My attention has from time to time been directed to the evils resulting from the injudicious use of the hemp plant (cannabis sativa), and many cases have at various times come before me in which Indians have fatally injured their constitutions by over indulgence in the habit of smoking this plant. Early in the past year deaths caused by smoking the plant having occurred, I applied to His Excellency the Governor to exert the power conferred upon him by Clause 70 of Law 2, of 1870, by issuing a rule prohibiting Indians from using, cultivating, or possessing the hemp plant. The subject was considered by the Executive Council on a draft rule drawn by myself, designed for this purpose, with the result that the Council was divided in opinion as to the advisability of approving the proposed rule. My own view as to the necessity for placing some prohibition on the indiscriminate use of the hemp plant was supported by that of the eight Medical Officers attached to the Department, and I am strongly of opinion that much good would result were such a rule as was suggested passed into law. In accordance with the opinion of His Excellency letters have been addressed to the agents in India, enquiring whether there is any rule prohibiting, or designed to prohibit, the use of the hemp plant, and up to the present time I have not received replies from both agencies. The matter may, however, receive further consideration during the present year.
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<th>Convalescent sent during the Month to Hospital.</th>
<th>Recovered and sent to work.</th>
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The Dakkha (Indian Hemp) nuisance still continues, and, although an incentive to crime, no steps have yet been taken to subdue its use, &c.

Maritzburg, 7th Sept., 1885.

RICHMOND R. ALLEN, Medical Officer.
FURTHER REMARKS OF DR. RICHMOND R. ALLEN,

PiETERMARITZBURG CIRCLE, JANUARY, 1886.

The “Indian hemp” nuisance still continues to breed discord between the Indian and his employer. No less than 10 men have suffered from hallucinations; 2 men became so violently delirious that the police had to be called upon for protection, while one man had to be confined as a lunatic to the asylum. The plant cultivated in this Colony acts more powerfully on the nervous system than ganja or ganja does in India; and the hallucinations induced by smoking it are at times most disagreeable, often painful, and frequently dangerous. Hemp intoxication brings out the proclivities peculiar to an individual, and those who are unfortunately possessed of evil dispositions enact deeds of violence, suicide and murder.

FURTHER REMARKS OF THE PROTECTOR OF IMMIGRANTS, JANUARY, 1886.

The evil effects of the use of the drug (Cannabis Sativa) have been forcibly illustrated during the year. Several deaths of Indians have been ascribed partly to this cause. I am still of opinion that repressive measures are necessary, as there appears to be an increase in the number of cases in which dakhha is used to such an extent as to be injurious to the constitution.

In 1884, by direction of His Excellency the Governor, letters were addressed to the Agents in India to ascertain whether there existed there any repressive legislation concerning the use, growth, or possession of this drug, and the matter has been referred to the Indian Immigrants’ Commission.

FURTHER REMARKS OF DR. RICHMOND R. ALLEN,

PiETERMARITZBURG CIRCLE, JANUARY, 1887.

I have so often reported against the use of dakhha, and cited so many instances in which crime has been committed under its influence, that I feel it is now useless to make anything more than a passing protest against the habit. The Indians who murdered Miss McGregor were, I have been informed, smokers of this drug, and I venture to state, without fear of contradiction, that an Indian is too great a coward to commit any daring crime unless under the influence of some intoxicant. Even in time of war they cannot be got to engage with the enemy unless as fanatics.

FURTHER REMARKS OF THE PROTECTOR OF IMMIGRANTS, MARCH, 1887.

In previous reports I have commented upon the injurious effects produced on Indians who use the drug (Cannabis Sativa) commonly known as “dakhha” to excess, as I regret to say a great many do. There has been further evidence during 1886 of this fact, and some of the Medical Officers have had several cases under their care in which Indians have sustained severe injury to their mental and
physical health from a too-free use of the baneful weed, while I personally have had more than one case before me in which men, who were asserted by their employers to be as a rule intelligent and trustworthy servants, have been so reduced in mind and body by dakhia-smoking as to be almost emaciated in appearance and imbecile in behaviour.

I have no doubt that the Indian Immigrants' Commission will make some recommendation adequate to the necessities of the case. My own opinion is that some prohibitive legislation is necessary.

TRANSFER OF INDENTURED INDIANS WITHOUT THE CONSENT OF THE PROTECTOR.

Attorney-General's Remarks.—September 2nd, 1886.

[Law 2, 1870.—24]

The employer of an indentured Indian has no power to transfer the services of the Indian to any other person without consent of Protector.

The Protector should obtain from and only look to the original employer for payment of instalments, medical fees, &c. The penalty attaching to such an act may be recovered under Section 36.

Dumat's Case.—The Supreme Court decided in Dumat v. C. Peace, Mason's Reports, 1884, page 3, that the Manager of one of the largest sugar estates could not, at the instance of the Indian and with consent, "cancel a contract of service without Protector's consent" and that the employer Dumat was liable for the yearly payments to the Government and for the food and medicine of the Indian.

The Court also held that such cases came within the meaning of Sections 36 39 and that "his hirer may be penalized" , page 5, Mason's Reports, and that the "Immigration Agent" (Protector of Immigrants) may prosecute the Indian and his new employer for the offence.

Remarks of Protector of Immigrants.—September 23rd, 1886.

In my annual report for 1885, in which I drew attention to the irregularity, I expressed the opinion that legislation was necessary to meet it because I did not think that any action could be taken under existing laws.

As regards the payment to this department of instalments, medical fees, &c., no difficulty is experienced. The employer to whom the Indian is assigned readily pays these amounts
and, I presume, recovers them from the person for whom the Indian is actually working. The Attorney-General refers to Section 36, Law 2 of 1870, as the one under which a penalty can be recovered from the person who may employ an Indian indentured to some other person, but I would remark that the terms of Section 36 seem to imply that its operation is intended to be directed against persons who "harbour" or employ the indentured Indians of another person ("deserters," in fact) without consent. This seems so, because provision is made for payment to the proper employer of compensation (8s. per diem) for loss of service. Again, Section 39 to which I am also referred says: — "All prosecutions for harbouring Coolies shall be made at the instance of the Coolie Immigration Agent, on complaint "made by the employer entitled to the services of such "coolies, or by any informer."

Now it is quite clear that an employer, who had himself handed his Indians over to another person, would not complain of such person harbouring them, and the difficulty of finding an "informer" to complain in a case of such character would be very great.

It is not for me to say with what chance of success a person, prosecuted under such circumstances, might set up as his defence the fact of the employer himself having given him permission to retain the Indian.

Then it is said that the Indian also could be prosecuted for the offence, but I must submit that this would be most unjust, because the Indian as a rule is passive in the matter. He is told by his master that he has to work for a certain person, and it cannot appear to him that he is committing an offence, under which he is liable to a heavy penalty, by obeying his master.

The cases, such as those referred to in my report, are not on all fours with that of Dumat v. C. Pence spoken of in the Attorney-General's report hereinafter. That was a contention by an employer of indentured Indians that the employer and Indians were the only persons concerned in a contract of indenture, and could terminate such contract without the intervention of any third party; moreover the Indian in that case was ill and a burden to the estate, hence the desire to cancel the contract. In the cases I am referring to there is no question of cancellation of contract, the employer, while retaining his responsibility for the men, simply hands them over to some other person with whom to work. It therefore seems to me that the law, as at present constituted, does not meet the cases and that what is wanted is a provision that persons who, without authority, transfer or rather make over to some other person, for the time being, their indentured Indians, are liable to a heavy penalty.

The same may be said with regard to the unauthorized cancellation of contracts by employers on a money payment made to them for that purpose. Several such cases have been brought to the notice of the Government and I enclose herewith papers (920—1885) which refer to one of them. It will be seen there that a Mr. Smart took considerable sums from certain of his Indians and, in his report on the subject, the Attorney-General says: — "The sums, alleged to have been paid by these Indians to Mr. Smart, to purchase their discharge, form personal debts between the Indians and "Mr. Smart, which the former are entitled to recover by an "action, condictio indebiti, but in which the Trust Board "have no interest."
In nearly all cases the Indian, whose contract has been so cancelled, at once turns his attention to farming or market gardening. Section 36, Law 2 of 1870, could not therefore possibly apply, as the Indian immediately becomes his own master and no one could be charged with harbouring him; moreover, Section 37 says;—And provided further that "nothing in this clause shall apply to a coolie, whether male "or female, who has a proper pass, the period of leave in which "is then unexpired." As all Indians, whose contracts are thus represented to be cancelled, bear a pass from their employers for the remainder of the indenture term, it seems to me that any person employing such an Indian would be exonnerated from liability under this section.

I have always found that employers, who thus relieve their labourers from further service under indenture, recognize their liability to pay instalments, medical fees, &c., nor do they attempt to escape responsibility for the Indians if they become ill. I am therefore forced to the opinion that the adoption of the course, indicated by the Attorney-General, will not adequately meet the two classes of irregularity alluded to.

RESOLUTIONS OF THE INDIAN IMMIGRATION TRUST BOARD OF NATAL.

Re applications to be relieved of Indentured Indians.

"With reference to the several applications submitted to "the Board by the Protector, from persons asking to be "relieved of Indentured Indians on various grounds of their "unfitness for work.

"The Board is resolved that no such applications can be "entertained unless it can be proved that the Indian was "unfit for labour before leaving India, and then only subject "to the opinion of the Depot Hospital Surgeon."

Resolved—"That return passages to incapable Coolies be "provided if employers continue to pay instalments; such "Coolies to be supported by employers until date of "embarkation."

[Department of Immigration]

Sir,—Having in view the chartering of a vessel to convey returning Indians to Madras and Calcutta, I have the honour to request you to inform me on or before the 21st inst., how many Indians at present indentured to you, you would wish to be returned, distinguishing between those unfit for work through sickness, and those whom you may from other causes desire to be returned, giving the number of men, women and children in each case. It will of course be distinctly understood by you, that you will have to pay all instalments now unpaid or to fall due, on all the Indians excepting such as are certified by the Medical Board to have been dismissed prior to leaving India, and that you will have to furnish me with a guarantee to pay such instalments, as well as the cost of maintaining the Indians to date of embarkation.
You must please note that, unless the parties mutually consent, relatives must not be separated.

It is imperatively necessary that replies to this circular should reach me within the present week; kindly let me have your answer before 21st instant, after which date I shall be compelled to disregard answers owing to the terms of charter party.

As soon as possible after receipt of all the replies I will let you know how many men you may send in to be shipped by this opportunity, when they are to be sent in, &c.

I have the honour to be,

Sir,
Your obedient servant,

Protector of Immigrants.

M

__________________________

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__________________________

Department of Immigration,
Durban, Nata, March 21st, 1885.

Sir,—Referring to your reply to my circular of 17th instant, I have now the honour to inform you that provision has been made for embarking in the "Dunluce Castle" from your estate.

You must please fill up the form printed on the back hereof with the names, &c., of the Indians you send in, and sign the "Guarantee" in the presence of a witness. This Circular must be returned to me so completed on 28th March, 1885, on which day the Indians must be at this office for location in depot. Please send with them the reports from the Medical Officer of your Circle concerning their condition, and also their Emigration Certificates and all their belongings.

No Indian must be sent who has not been informed of the purpose for which he is forwarded, or who refuses to consent to return to India. If any such are sent you will be liable to have them returned to you and be charged with all expenses incurred therein. All wages due to the Indians must be paid to date of embarkation.

I have the honour to be, Sir,

Your obedient servant,

Protector of Immigrants.

M

......
GUARANTEE.

I, the undersigned, hereby undertake and guarantee to pay all instalments of passage money to fall due on any of the Indians whose names and numbers are given below (except those of whom I may be relieved on the recommendation of the Medical Board), at their due dates, and to be responsible in every respect for the payment of such instalments, and I now apply that they may be returned to India. I further undertake to pay the cost of their maintenance to date of embarkation when called upon to do so:—

Dated at.....................this............day of.............1885.

(Signed)........................................

Witness—

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<th>Name</th>
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<td>State whether returned on account of sickness or not, and whether together members of the same family.</td>
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STATEMENT OF INDIANS RETURNED TO INDIA BY "DUNPHAIL CASTLE," EMPLOYERS OF WHOM ARE RELIEVED FROM PAYMENT OF FURTHER INSTALMENTS.

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<p>|                  |                  |     |      |     | £732 0 0               |        |</p>
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Letter and returns submitted by Mr. David Hunter, General Manager of the Natal Government Railways.

G.M. 

Natal Government Railways,
General Manager's Office,
Durban, 28th July, 1884.

DEAR MR. BINNS,—In reply to your favor of the 25th inst., I have pleasure in giving you the following information:—

1. At present the Railway Department in all its branches gives employment to 489 free Indians. In addition thereto it employs 358 assigned men. These numbers, as well as the proportions of free and assigned, are, of course, constantly varying.

2. I could not, without a good deal of trouble, give you a correct estimate of the expense of the free men as distinguished from the others; but for the purpose of an estimate, £2 per month per head all round would be fair.

3. A considerable proportion of the men employed perform isolated duties, and, if replaced by men of another race, would require an equal number to be substituted for them; but let it be assumed that these 489 men are all worked in gangs, and that only half the number of white men would be required to replace them:

| 489 Indians at £24 per annum | £11,736 |
| 245 white men at £96 | 23,670 |
| Difference | £11,934 per annum |

4. It is hardly possible to form a just conception of the conditions under which white men could be got to perform the duties which are now performed by Indians. One item would necessarily call for expenditure, namely, the provision of houses of a type which Europeans could inhabit in substitution of the huts in which the Indians are able to exist. No doubt if the black races were entirely cleared out, and the colony peopled with Europeans, the conditions under which labor is carried on now would be altered. Labor-saving appliances would be introduced, and no doubt white men would shrink less from physical work than they do now, but taking things as they are, it is not easy to see, from my point of view, how we could get on without the Indians, either assigned or free.

Yours sincerely,

(Signed) DAV. HUNTER,
General Manager.

H. BINNS, Esq., M.I.C., Phoenix.
Statement illustrating the difference in expense by the employment of Europeans in substitution of Indians upon the basis of General Manager's letter of 31st July, 1884, to Mr. Binns as the numbers and rate of wages stand on 20th February, 1885:

Number of Free Indians employed, 443 at £20 per annum ... ... £8,860 0 0

Take in substitution, one-half the number of Europeans, say 221 at £96 ... ... 21,216 0 0

Difference in cost per annum ... ... £12,356 0 0

DAVID HUNTER,
General Manager.

NATAL GOVERNMENT RAILWAYS.

STATEMENT SHOWING NUMBER OF INDIANS EMPLOYED UPON NIGHT DUTY.

No. of Indians employed upon continuous night duty ... } 16 Engine Cleaners.

No. of Indians employed upon alternate night and day duty, changing weekly ... } 8 Gatemen and Constables.

DAVID HUNTER,
General Manager.

General Manager's Office,
Durban, 25th February, 1885.
<table>
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<tr>
<th>Crime</th>
<th>Persons in employment of Railway Department</th>
<th>Persons unconnected with the Railway Department</th>
<th>Total</th>
<th>Remarks</th>
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<td></td>
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<td>Indians</td>
<td>Kafirs</td>
<td>Europeans</td>
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<td>Assault</td>
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<td>Drunk and creating a disturbance</td>
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DAVID HUNTER,  
General Manager  
25-2-85
CIRCULAR (See Mr. Titrem’s evidence.)

CIRCULAR.]

April 23rd, 1884.

(Colonial Secretary, Natal, to the Resident Magistrate.)

The attention of the Government having been called to the frequent occurrence of irregularities in sentences of Resident Magistrates on Indian Immigrants for offences under the Colic Law of this Colony, the following instructions are issued for your guidance in dealing with cases arising under those Laws.

By command,

C. BIRD,

Acting Asst. Col. Secretary.

1. Sections 27, 28, and 29 of Law 2, 1870, and Section 5 of Law 14, 1875, deal with unlawful absence from service and unlawful absence from work by Indentured Indian Immigrants.

2. Under Section 27 the Magistrate is empowered to commit to prison for any term not exceeding fourteen days any Indentured Indian Immigrant absent from the estate or residence of his employer without a proper pass or ticket of leave, or any Indian Immigrant who shall fail to produce his certificate of residence, or a certificate of his discharge.

3. Section 28 does not affect Resident Magistrates.

4. “Unlawful absence from work” on the part of an Indentured Indian Immigrant is defined by Section 8 of Law 12, 1872.

5. The penalty for unlawful absence from work is clearly laid down in Section 29, Law 2, 1870, amended by Section 5 of Law 14, 1875, and is as follows:—

(a) The loss of all claim to wages and allowances during such absence.

(b) The deduction and retention by the employer of 1s. per diem for males, and 6d. per diem for females, from any money due or becoming due to the servant—not to exceed, in any one month, the amount of wages due in respect of such month.

(c) The prolongation of the contract (in the event of the unlawful absence exceeding twenty-five days in any one year) for a period according to the time of absence, at the rate and on the condition set forth in Clause 29, Law 2, 1870.

6. Section 11 of Law 12, 1872, only applies to Indian Immigrants who have worked out their indentures, and have thus become amenable to the Masters and Servants Ordinance (Law 2, 1870, Section 45). The provisions of Ordinance 2 of 1850 thus only became applicable to Indian Immigrants upon the completion of their term of industrial
service. Recruiting for domestic servants is not recognised by enactment in India, and the employment of Indians in domestic service in Natal is only valid under special agreement made after their arrival in this Colony.

7. Section 30 of Law 2, 1870, applies to the offences of misconduct, fraud, or deception in the performance of work on the part of Indentured Indian Immigrants; and Indentured Indian Immigrants charged with the offences commonly designated "absent without pass," "desertion," and "unlawful absence," cannot be punished under Section 30, but must be dealt with under the Sections having special reference to these offences, and in which special penalties are provided.

8. Resident Magistrates are also particularly requested to state distinctly in their monthly returns of cases furnished to the Attorney-General and the Protector of Immigrants (Section 11, Law 12, 1872) whether the Indians tried are Indentured or Free Indians, as well as the Section and Law under which the cases have been adjudicated upon.

9. In cases where any difficulty occurs in the identity of Indians—particularly in cases of unknown Indians found dead—Resident Magistrates are required to call in the aid of the Protector of Immigrants for the purpose of identification during any enquiry which may be held, and before burial of a body.

INDIAN BETROTHALS.

(The following case was submitted for the consideration of the Commissioners.)

Isipingo, May 1st, 1887.

L. Mason, Esq.,
Protector of Immigrants.

Dear Sir,—The bearer of this note, Muthoora, was married on or about the 9th of February last, and he wants the marriage registered in some way.

Will you please give him your attention, and do what is necessary in the matter.

And oblige,

Yours truly,

LAURENCE PLATT.
Isipingo, May 5th, 1885.

Matheora has been this day to the office of Protector of Indian Immigrants, and says he is directed to go again tomorrow, about his marriage.

He has already been several times, and has been put off, and directed to go again at some other specified time, and still no conclusion has been arrived at.

Surely there is something wrong in all this, and a great waste of time.

On the 9th of February he borrowed £5 10s. from me, which enabled him in my presence to pay £7 3s. to the father of a girl in consideration of his assent to the daughter's marriage with the said Matheora. That assent was affirmed in my presence and that of several other Indians, the girl or woman also being present, and I believe the father signed a paper to that effect.

LAWRENCE PLATT.

Please do all that is requisite without further delay that the man may return to his work. His frequent absences on this matrimonial business are inconvenient, and annoying to me and especially to my family.

L. P.

[Copy.]

Department of Immigration,
Durban, 6th May, 1885.

Sir,—I have the honour to acknowledge the receipt of your letter of the 5th instant, respecting the proposed registration of marriage of Matheora, 7448, to Tejia, 9596. I notice you say that Matheora has been several times to this office for this purpose. As a matter of fact he has been but twice, and the first time he came the matter could not be concluded, pending necessary enquiries. I now find that the girl is already married to Shewdial, 7310, who is still living, and it seems that Matadin, 9598, the father of the girl received a large sum (£10) in consideration of giving his consent to that marriage, which was thereupon duly solemnized.

Under these circumstances I cannot, of course, register Tejia as the wife of Matheora.

I have the honour to be,

Sir,
Your obedient Servant,

(Signed) L. H. MASON,
Protector of Immigrants.

Mr. L. PLATT, Isipingo.

May 6th, 1885.

Matadin, No. 9598, father of Sookhia, No. 9593, mother of Tejia, No. 9556, daughter Arrived in the Colony October, 1874.
Present age, 13 years and 6 months; three years old when arrived.
Tejia, 9596, and Muthoora, 7443, appeared at this office on the 1st instant for registration of marriage.

Muthoora states that he has not been married to Tejia, but she has been living with him for the last three months as his wife.

Shewdial, No. 7010, states:—I was married to Tejia about three years ago, with her parents' consent by one Gunesh Maharaj (and the Guroo of Matadin), now resident of Isipingo. The marriage ceremony was performed at the Durban Corporation New Barracks. Two years after the ceremony Tejia lived with me in my house, and the day after she came to live with me I consummated the marriage.

Witnesses to marriage:
Charlie Saib (maie),
Mohinder Baboo,
Matadin, and many others.

Matadin admits that his daughter, Tejia, was married about three years ago to Shewdial, No. 7010. The ceremony took place at the New Corporation Barracks, Durban, and was performed by Gunesh Maharaj, who now lives at the Isipingo, and keeps a store. Two years and a half after this Tejia went to live with her husband, and lived with him for two years as his wife. Tejia would then have been about 11 years old.

Tejia states that she lived with Shewdial as his wife for one year and six months, but that the marriage was never consummated until one year after she lived with him.

Muthoora, No. 7443, produces receipt, signed by Matadin, witnessed by Mr. Platt, for seven pounds three shillings, for money paid in respect of the marriage of his daughter Tejia to the said Muthoora.

Matadin now states that the said £7 3s. is a loan, and nothing whatever to do with the girl Tejia, and that he never promised his daughter in marriage to Muthoora.

Shewdial states that at the time of his marriage he paid £10 as his expenses.

L. H. MASON,
Protector of Immigrants.

Witness and Interpreter:
C. W. BURTON-JONES, H.I.
May 6, 1887.

Before me, L. H. MASON, Protector of Immigrants.

Appeared MUTHOORA, No. 7443, who, being duly cautioned, states: I am a free Indian, and work for Mr. L. Platt, at the Isipingo. Last February 9th, 1885, I paid the sum of £7 3s. (seven pounds three shillings) to one Matadin (No. 9393), a free Indian, living at the Isipingo, in the presence of my employer, Mr. L. Platt, for the girl Tejia, Matadin's daughter.

His
MUTHOORA,
Mark.

Witness and Interpreter:
C. W. BURTON-JONES.
Before me,

L. H. MASON,
Protector of Immigrants.
REMARKS OF THE PROTECTOR.

The Law does not appear to be framed to deal with instances of this kind and I am of opinion that the matter is of sufficient importance to warrant its special reference to the Commission.

I have had many instances of fraud of the most direct and indefensible nature practised by mercenary parents on the men who desire and marry their daughters, and found cause for fear that such deceptive and fraudulent practices used against men by a proverbially excitable race might lead to serious personal reprisals. The scheme of the offenders may be briefly described in this way:

A young native woman is betrothed by her parents to some one of her male suitors who, in order to obtain the consent of her parents, has had to purchase it by making them a substantial money present (usually from £5 to £10). The parents, however, stipulate that the marriage shall be deferred, sometimes for months, and in the meantime the man who has thus purchased his betrothal is generally coerced into entrusting all his earnings with the parents, who live on them. After a time the girl, at the instigation of her parents, expresses distaste and aversion to the proposed union, and the parents do all in their power to make the victim of their plan dissatisfied and uncomfortable. It is sometimes the case that this ends in the breaking off of the betrothal, and the man who is thus cheated out of his money and his hopes of marriage has to bear his loss with the best grace possible. The parents then proceed to find another suitor for their daughter and, with little variation, treat him in precisely the same manner, so that a girl, the daughter of unscrupulous parents, is sometimes made the means of bringing in for a considerable period a handsome income. Quarrels arising from complications of this kind have frequently come before me, and the unrestrained anger of the victim, when relating the means which have brought about his discomfiture, has more than once given me cause for astonishment that he has not before taken summary measures for direct personal vengeance on those who have duped him.

There is, under the law, no special provision made for people who thus cruelly cheat and defraud. All the unfortunate sufferer can do, I believe, is to sue civilly for restitution of his money, a course very rarely taken. Some legislation appears to be necessary to meet cases of this nature.

I believe, and it is commonly reported to be so, that the Indian Wasli (Wavesaay 23825) was the victim of a scheme of the kind indicated. This man was sentenced at the last Circuit Court to be hung for the murder of the girl to whom he was betrothed.

REMARKS OF THE ATTORNEY-GENERAL.

I do not see how legislation can provide any other than a civil remedy for cases of this kind, and if the Indian, for some reason not stated, will not sue civilly for the restitution of the money he has paid in the manner indicated, I fail to see that it is incumbent on the Government, even if it were possible, to provide a special remedy by legislation.

The papers should however be referred to the Commission,
INDIAN IMMIGRANTS COMMISSION

SHORT NOTES

AND

OBSERVATIONS.
Page Missing
INDIAN

Immigrants Commission.

SHORT NOTES AND OBSERVATIONS.

The Commissioners examined, \textit{viva voce}, 72 European and 48 Indian witnesses. Amongst the former were the Attorney-General, the Secretary for Native Affairs, members of the Legislative Council, the Collector of Customs, the General Manager of the Natal Railways and his subordinates, the Chairman of the Indian Immigration Trust Board, the Chairman of the Pietermaritzburg Chamber of Commerce, Resident Magistrates, Justices of the Peace, the Protector and Deputy-Protector of Immigrants, doctors, merchants, managers and proprietors of sugar estates, farmers, superintendents of prisons, captain of “Umvoti,” one clergyman, one excise surveyor, one superintendent of police, and others. On estates the Commissioners conversed with, and questioned, numerous Indians, whose names are not recorded.

\textbf{ESTATES VISITED BY THE COMMISSIONERS.}

\begin{itemize}
  \item Aveca.
  \item Canemby.
  \item Cato Manor.
  \item Cowick.
  \item Effingham.
  \item Equeefa Central.
\end{itemize}
Equezefa.
Fenton Vacy.
Hill Head.
Keareney.
Maryville.
Mount Edgecombe.
Nil Desperandum.
Platte, Iisingo.
Redcliffe.
Reunion.
Trenton.
Umhlanga Valley Company, No. 1.
" " No. 1.
" " 2.

Hospitals visited by the Commissioners.

Avoca Central Hospital.
Iisingo " .
Verulam " .
Umzinto " .
Grey's Hospital, Pietermaritzburg.
Indian Immigrant Ward, General Hospital, Durban.
Durban Depot Hospital.
Railway Hospital, Durban Central Station.
Estate Hospital, Mount Edgecombe.
. Equezefa.

The Lunatic Asylum, Pietermaritzburg.

Prisons visited by the Commissioners.

Durban.
Estcourt.
Pietermaritzburg.
Stanger.
Verulam.
Umzinto.

Indian Schools visited by the Commissioners.

Tongaat.
Umzinto.
Salisbury Island.
Central Railway Station, Durban.
The Commissioners visited the following places:

The Indian Cemetery, Durban.
The Indian fishing settlement on Salisbury Island.
Indian Immigrant Depot, the Point, Durban.
Indian barracks, Central Railway Station, Durban.
Indian barracks at the Railway, the Point, Durban.
Indian barracks at the night-soil depot, Durban.
New Indian barracks of the Durban Corporation.
Free Indian locations in various localities.
Indian barracks of the Pietermaritzburg Corporation.
Indian barracks, Railway Station, Pietermaritzburg.

The Commissioners inspected the ship "Umvoti," Capt. Reeves, on two occasions; they inspected 326 Indian Immigrants recently arrived by the "Unsphaile Castle," and 259 time-expired Indian Immigrants returning to India by the "Umvoti," on February 29th, 1885.

The Chairman inspected 265 time-expired Indian Immigrants returning to India by the "Umvoti," December 23rd, 1886.

With respect to the pollution of streams, the Commissioners inspected woodelving establishments at the Um- lazi and Umgeni rivers, near Durban, and one near Pieter- maritzburg, and, in the course of their travels, saw the rivers Equesta, Umzinto, Iffaa, Illovo, Umkomaazi, Amanzimtotte, Umizi, Umpambinyoci, Umgeni; the Great and Little Umlhlanga, Umbioti, Umhasine, Tongaat, Umhlali, Umvoti, Moci River, Bushman's River, Umsindisi, the Dorp Spruit, Ushlungu, Umibo, Umkumbana, and Lion's River; they inspected numerous small streams and watercourses near to estates which they visited.

INDIAN IMMIGRANT DEPOT AND DEPOT HOSPITAL, THE POINT, DURBAN.
FEBRUARY 23RD, 1885.

The Depot buildings, with the exception of one, which is out of repair, are clean and in good order.

It is noticed that no attention is given to the amount of cubic space and superficial area necessary for each inmate, either in the barracks or hospital. Owing to the limited accommodation, the buildings must be often overcrowded, especially on the arrival or departure of an Indian Immigrant ship; this overcrowding would be increased, were it not that tents are sometimes used and a house, usually a store for wood, is, on such occasions, appropriated as a barrack.
On inspecting some of the buildings occupied by healthy men, we find that several sick men are living amongst them.

The kitchens, for the depot and the hospital, are sheds without chimneys, the roofs and walls of which are blackened by smoke.

There is no lavatory for healthy men, who are therefore obliged to wash themselves in the open air; for the sick there is a room, adjoining the hospital, without both or basins and apparently never used for the purpose for which it was intended.

The latrines are wooden edifices with compartments furnished with pails which, we are informed, are emptied every night by the Corporation servants. There are no urinals.

The latrine accommodation for the hospital is too limited for the number of sick. It is observed that there is no separation of the sexes, who consequently live together night and day. There is no separate ward for the treatment of sick women; one woman, at the time of our visit, is under treatment in the men's ward.

Several cases of leprosy are treated with the ordinary sick.

The water supply, for all purposes, is obtained from a covered well in the centre of the compound; the water is reported to be of good quality and to be sufficient in quantity.

There is no dead-house; if an immigrant dies, his body is placed in one of the ordinary living rooms, if unoccupied, and, on other occasions, it is placed in the open.

There is no separate building or ward for the treatment of infectious cases of disease.

The receptacle for refuse is a small space confined by a few boards placed against the wall, near the entrance gate of the Depot.

We are informed that the supply of drugs has always been ample; we find that those of a poisonous nature are kept on the shelf with ordinary medicines and that they are not placed under lock and key for safe custody.

Washing of the person, after dejection, is carried on over the pails in the latrines; thus, the advantage of the dry-earth system is destroyed.

On examining the returns of the daily issue of rations, it is discovered that no distinction can be traced between those issued to the healthy and those to the sick, except in the case of extras, issued by order of the Medical Officer to the latter. It appears from these returns that full rations have been issued to sick men, in addition to a large amount of extras; thus, for example, in the case of Noorkhan, a sick Indian, we observe that his rations and extras on one day were as follows: viz.,

1 pound of rice,
2 ounces of dholl,
$\frac{1}{4}$ pound of mutton,
$\frac{1}{2}$ pound of bread,
4 ounces of milk.
2 ounces of sage.
1 pint of porter.
\( \frac{1}{4} \) ounce of ghee.
\( \frac{1}{3} \) ounce of salt.
\( \frac{1}{4} \) ounce of curry powder.
2 ounces of sugar.

We think that in cases where so many extras are issued, a reduction in the amount of rice might probably be made and a considerable saving be thereby effected.

Clause 26 of Government Notice, No. 448 of 1880, is not complied with, there being no female attendant, no woodcutter, or water carrier; further, the number of sick under treatment is too great to admit of the one thousand cubic feet of space, as laid down by clause 40 of that notice, being allowed to each inmate.

We enquire concerning the duties of the superintendent; we find that he also acts as compounder of medicines and as clerk.

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GENERAL HOSPITAL, DURBAN.

FEBRUARY 23RD, 1885.

The Commissioners inspect the accommodation set apart, in this hospital, for sick Indian Immigrants. It is very satisfactory in every respect.

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INDIAN BARRACKS, CENTRAL RAILWAY STATION, DURBAN.

MARCH 5TH, 1885.

The site is a narrow strip of flat, sandy soil, with no natural drainage, the surrounding ground being very flat: the breadth is 150 feet and the length is 1,200 feet. There are five lines of buildings, of which one is constructed of brick and four of wood and corrugated iron. There are also many shanties, massed together in an indiscriminate manner, made by the Indians of odds and ends, such as old packing cases and pieces of tin and iron; these shanties are necessary on account of the insufficiency of accommodation.
The number of inhabitants is 382 men, 60 women, 164 children, and 86 Kaffirs, making a total of 612. The amount of cubic space and superficial area, allowed to each occupant, cannot not be ascertained; no limit exists as to the number of inmates for each room.

The aspect of the buildings is north and south, and they stand obliquely to the prevailing wind and are therefore fairly well perfumed.

The brick building, which occupies a large space, lies low, and in too close proximity to the workshops. The rooms are all of the same size, viz., 10 x 10 feet, and inhabited for the most part by single men, two or three in each; the floors, which are lower than the level of the surrounding ground, are hardened with ballast.

Ventilation is by means of two small windows on opposite sides and by a door. There are no proper kitchens attached to this range, but the occupants have built small places in which to cook.

There are four lines of buildings, constructed of wood and corrugated iron, standing on a slight elevation. The rooms are 10 x 8 feet and are occupied by married men, accommodation being given according to the number of the family; but in no instance are two rooms given. The floors are raised and hardened with ballast. Ventilation, which is fairly good, is by a louver over each door, by space between the roof and wall-plate, and by door and window.

Each family has a kitchen 4 feet in width and from 16 to 16 feet in length, situated directly opposite their rooms and separated from it by a lane 8 feet broad, which is also the highway to the main buildings. These kitchens have no chimneys, the smoke finding exit through a small space between the roof and walls.

Fowls are found in hen-coops in several of the rooms.

The buildings are linewatered, inside and out, every three months.

Water Supply.—This is said to be of good quality and ample in quantity; it is taken from the Corporation hydrants and from a tank supplied with water from the Umgeni river. There is no running stream within a distance of four miles, nor wells close at hand, but water is found within two feet of the surface.

Lavatories.—None provided, all ablation is done in the open.

Refuse is stored in large bins, conveniently placed and emptied twice a week. Refuse-water and slops are thrown on the ground, clear of the barracks.

Latrines.—These are very insufficient and are furnished with Petersen's patent pails, which are emptied every night. The dry-earth system is not in use, and, if it were so, it would be rendered useless by the practice of washing the person after defecation over the pails, as well as on the floor. The seats are not divided into compartments. The floors and seats of all the latrines are often soiled; men, known as the W.C. gang, are daily employed for the purpose of cleaning them and the surrounding ground. There is a separate latrine for women,
Urinals.—There are thirty-five urinal pails, with charcoal strainers, distributed about the lines and Railway works. These, we are informed, are emptied three times a day.

School.—Three rooms, in the wood and iron lines, have been connected into one for the purpose of a school room. It is well ventilated and lighted, but, being uncleared and unlined, is very hot, and, from its shape, size, and situation, is unsuitable. The average daily attendance is forty-one boys and two girls, all looking clean, healthy and happy.

Near the wood and iron lines are two tarpaulin tents, at present occupied by Kaffirs; they are sometimes used for accommodating indentured Indians prior to distribution to other stations.

The Commissioners are of opinion that the accommodation is much too cramped and overcrowded, that a new site should be obtained, and that more attention should be given to the space allowed to each individual: at present, rooms are apportioned without due regard to the number of inmates.

Hospital.—This building stands on a well-elevated site, considering the general flatness of the surrounding country. The accommodation is insufficient, and the wards are consequently overcrowded with beds, which are so placed as to resemble a platform. The building, which was not erected as a hospital, requires much improvement to render it suitable for the accommodation and comfort of sick men. Latrine accommodation is insufficient. There is no lavatory, bath-room, kitchen, or mortuary.

Urinal.—There is one pail with charcoal strainer.

Dispensary.—The supply of medicines is ample, but poisons are kept on the shelves with ordinary medicines and not under lock and key.

Nursing Staff.—There is no trained hospital attendant, and, when further aid is required, ordinary Indians are supplied. There is no room for the attendant, who is consequently often absent. Accommodation is also very much required for the apothecary in subordinate charge, who now is compelled to live in Durban, the result being that no responsible person is present during the night, or on Sunday, or after the usual office hours.

INDIAN BARRACKS AT THE RAILWAY, THE POINT, DURBAN.

MARCH 5TH, 1885.

Site is open and fairly elevated. Soil sandy. Natural drainage good.
There are eleven buildings of corrugated iron, arranged in parallel lines and running north and south, in which are accommodated thirty-seven Indian men, twenty women, forty children and sixty Kaffirs—a total population of one hundred and fifty seven. The space between the buildings is about twenty feet; it is much encumbered with shanties, built by the Indians of old tin and odds and ends.

The rooms measure 10 X 10 feet each; their floors are below the level of the surrounding ground. No regulation exists as to the amount of cubic space or superficial area to be allowed to each occupant, a defect which permits of much overcrowding.

There are no kitchens or lavatories.

The latrines are badly situated, being too near the buildings, and the accommodation is utterly insufficient. Petersen's pails are supplied and emptied by the Corporation servants twice a week. There are no seats or compartments, nor separate latrines for women. For urinals, six pails with charcoal strainers are supplied. After defecation, the person is washed over the latrine pail, and the dry earth system is thus rendered inoperative.

Ventilation and perfumation of the different buildings are defective, by reason of the formation and arrangement of the buildings.

The water supply is from two wells in the vicinity of the barracks, sufficient in quantity but in quality very brackish. There is a Corporation hydrant within easy reach, to which the Indians have access.

Slops and refuse water are thrown on the ground outside the barracks, but solid refuse is stored in a bin and carted away twice a week.

Lime washing of the buildings is done three times a year. There is crowding of buildings, the area they occupy being much too small.

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INDIAN BARRACKS AT THE NIGHT-SOIL DEPOT, DURBAN.

MARCH 5TH, 1885.

Situated about a mile-and-a-half out of Durban. Built of corrugated iron, in single lines, and well-placed in the open country. They contain fifty-six rooms, each measuring 10 x 10 feet. The number of inhabitants is sixty men, twenty-eight women and about forty children. No regulation exists as to the number of occupants for each room, a defect which tends to overcrowding.
No thorough ventilation: the rooms are arranged back to back, but, as the partitions are not carried up to the roof, there is, to some extent, air-circulation.

No latrines: the Indians resort to the surrounding country, which is therefore fouled.

No urinals or refuse bins.

Water is brackish, from two shallow wells, and is unfit for drinking purposes; but we are informed that drinking water is obtained from a spring near the railway, and, further, that the ground in the vicinity of these barracks was, in former years, the place where night-soil and refuse from the town of Durban were deposited.

NEW INDIAN BARRACKS OF THE DURBAN CORPORATION.

MARCH 5TH, 1885.

Situated about a mile and a half out of Durban, and near the night-soil barracks. The site is a good and open one, permitting of thorough ventilation.

Construction is of brick, with iron roof. The building affords accommodation for twenty-six married and one hundred single men.

Ventilation is by doors, windows, and spaces between roof and walls.

Floors are of brick, raised above the level of the ground; all the rooms have fire-places and chimneys.

Water is obtained from two tanks, which store the rain-water from the roof; the people complain that the supply sometimes runs short, and that they are then compelled to dig holes in the adjoining vley, wherein they collect surface water.

Latrine accommodation is insufficient for the number of persons for whom the barracks are built; the pails are only emptied every second day. There are no urinals.

Although there are several rooms unoccupied, many of the Indians with their families are living in huts constructed of grass and such materials, evidently preferring the privacy afforded by them to the well-built rooms intended for their use.
AVOCA ESTATE.
MARCH 14TH, 1885.

The smell from the manure-pit, situated just below the railway line, is offensive.

The water from the vacuum-pan is run into a sand pit; it is supposed to percolate through this sand into the stream which runs into the Little Umhlanga river.

There is no latrine accommodation. The Indians case themselves in the cane fields.

Drinking water, to all appearances, is good: it is obtained from a dam.

Room, set apart as an estate hospital, being a lean-to of corrugated iron, is at present used as a storeroom for harness, cart wheels, &c. The room is quite unfit for patients; there are no beds in it. The Central hospital is on this estate.

The water of the stream near the mill is much polluted.

(See remarks, infra, concerning this estate, and see evidence of Mr. Leon Jacquinia, page 201).

AVOCA CENTRAL HOSPITAL.
MARCH 14TH, 1885.

Mr. J. Doherty, late an apothecary in subordinate Medical department, Indian Army, is compounder and superintendent of this hospital, under the direction of Dr. McIntyre.

Number in hospital, to-day, is twenty-two. Total hospital accommodation, thirty-two males and six females.

Return of Sick, 14th March, 1885.

<table>
<thead>
<tr>
<th>Disease</th>
<th>No.</th>
</tr>
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<tbody>
<tr>
<td>Abscess</td>
<td>1</td>
</tr>
<tr>
<td>Broncho Pneumonia</td>
<td>1</td>
</tr>
<tr>
<td>Burning of Feet</td>
<td>2</td>
</tr>
<tr>
<td>Cerevisia</td>
<td>1</td>
</tr>
<tr>
<td>Loco Atrophy</td>
<td>1</td>
</tr>
<tr>
<td>Dehility</td>
<td>4</td>
</tr>
<tr>
<td>Excrema</td>
<td>1</td>
</tr>
<tr>
<td>Hematuria</td>
<td>1</td>
</tr>
<tr>
<td>Orchitis</td>
<td>2</td>
</tr>
<tr>
<td>Ulcers</td>
<td>4</td>
</tr>
<tr>
<td>Struma</td>
<td>1</td>
</tr>
<tr>
<td>Venereal</td>
<td>3</td>
</tr>
</tbody>
</table>

Total: 22

Total accommodation in Hospital:
Males, 32; Females, 6. Total, 38.
The stretchers are not suitable for sick men; they are too high and narrow. They are uncomfortable and they harbour bugs.

The women are totally unprovided with bedsteads and they are lying on the ground.

A bedside table is required for each bed.

The four wards are sufficiently ventilated; they are clean and afford space sufficient for the number of beds placed in them.

Latrine accommodation is insufficient, another seat is needed; there is no separate latrine for women.

There is no wash house for patients, who have to wash in the open.

Poisons are not under lock and key; they are on the shelf with ordinary medicines.

Dead house in good order.

No diet scales are hung up in wards; a patient is thus without information concerning his diet and the amount of it.

In the hospital-garden there is a burial ground, which, by reason of its proximity, is objectionable. Bodies, it is stated, are buried to the depth of four or five feet.

Water supply is said to be good and sufficient; it is obtained from the roof and stored in tanks.

The kitchen is in good order.

Drugs and instruments sufficient.

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REDCLIFFE ESTATE.

JUNE 6TH, 1885.

Stream on estate polluted by Indians above place where supply of drinking water is obtained.

The vacuum-pan water discharged into the stream at a distance of about fifteen yards from the mill.

The dunder is discharged on a large manure heap by means of a pump. A man stands, at the end of the spout, with a bucket and scatters the dunder over the whole surface of the heap, refuse of all sorts afterwards being thrown upon it,
FENTON VACY ESTATE.

JUNE 6TH, 1885.

Land near the river, which runs close to the coolie lines on three sides, is covered with human excrement. There is much pollution quite close to the mill on its upper side and within five or six yards distance from the stream (Umhlasinge), which runs directly from this estate to the Redcliffe Estate (immediately adjoining and under the same management), and from which the Indians of the latter estate obtain their drinking water.

The skimmings and refuse from the mill run into a flat, iron receptacle from which an Indian buckets up the liquid into a cask which is emptied on the manure heap, about fifty yards away. The vacuum-pan water is discharged straight into the stream, the Umhlasinge, already mentioned.

There is no distillery at this mill.

HILL HEAD ESTATE.

JUNE 6TH, 1885.

There are five Indians on the sick list: one is suffering from secondary syphilis, the rest are cases of rheumatism, Natal sores and fever. These sick men are all treated on the estate. A woman, named Kalia, is registered as suffering from syphilis and as receiving treatment on this estate: first entry in register is dated November 19th, 1884, and the last 6th March, 1885, on which day she was discharged as fit for light work.

The supply of drinking water from two wells is sufficient in quantity, but its quality is doubtful, as the Indians complain that the water of one well is brackish, and as the Commissioners notice that in the immediate vicinity of the second well human excrement is plentifully visible. These wells are not lined with brick nor upheld by any kind of masonry; they are mere excavations in the ground, one being within two or three yards of an unwholesome-looking and semi-stagnant watercourse.

The lines are badly situated and are not in a clean condition: they stand on ground sloping in the direction of the above-mentioned wells and stream, and, as the natural drainage is towards the latter, the whole of the surface pollution round these lines must of necessity, in the rainy season, find its way to these parapetless wells and stream.
UMZINTO (No. 1) ESTATE.

June 22nd, 1885.

The mill is not at work on the day of the Commissioners' visit. There is no distillery on the estate. All the treacle is sold to kaafs or to owners of distilleries.

The waste, skimnings, and refuse from the mill are carried up in buckets and deposited on a large ash heap, about twenty yards from the mill and on the other side of the main road; the sweepings from the yard are put on the same heap. This heap immediately abuts on a dam, and a considerable amount of refuse from it must find its way into the water in this dam, which is slimy and green. The vacuum-pan water is carried by a pipe under the main road to an open drain at the end of the ash heap; this open drain is about twenty yards long and discharges into a sluic, along which runs the diverted water of a stream near the main road. The mixed vacuum-pan water and the water of this stream runs a few yards and then finds its way into a dam at the other side of the ash heap; from this dam the water is sucked up for the vacuum-pan, and so the water is used over and over again. As to the dam, see the remarks above. Along the side of the main road there is an oozing, from the ash heap, which slowly runs down the roadside drain, forming small pools of black fermenting matter; this oozing joins the overflow from the vacuum-pan dam, after the latter has filtered through ground covered with reeds and rushes, and, passing under the main road, re-enters the parent stream near some young trees, after a divergence of half a mile. Notwithstanding the said conditions, the water, where it passes under the main road, is clear; but a shower of rain would set the stagnant pools along the road side in motion and their polluted contents would be carried into the stream which is now clear.

The bank of the stream, after it emerges from under the road, is much defiled by human excrement. There are no latrines nor ground set apart for such purpose on the estate; the Indians resort to any spot they please, provided they do not commit a nuisance in the immediate vicinity of their huts.

Through the trash yard runs a drain, containing decomposed magass and black, shiny fluid, which finds exit into a Government drain running at the foot of the trash yard, and at a right angle to the main road, into a spruit.

The drinking water is obtained from two wells. One is situated on the slope of the hill, in a field of cane above the huts of the Indians; this well is about four feet deep, contains about two and a half feet of water, and is without protection against matter washed down from ground at a higher level. It is observed that the ground, around it, is fouled by human excrement. The second well is on the right side of the Indian lines; it is an excavation from the solid rock, and is nearly dry, the spring being very weak; in its vicinity, and at a higher level, the ground is used for calls of nature. Drinking water is also taken from a large open open pool, formerly a brick pit, situated on the left side of the main road below the mill. The Indians state that the water supply on the estate is good.
Dividing the two blocks of Indian huts there is a dry watercourse, which runs from the hills at the back of the huts; after a heavy rain this watercourse becomes a rushing torrent; at present, on its banks, there is much refuse and human ordure.

Near the Indian lines there are heaps of refuse, decomposing vegetable matter and defilement from Indians casing themselves; immediately behind the huts is a catch water drain which runs into the dry watercourse to which reference has been made; this drain is used as a urinal, and for receiving refuse and dirty water.

In the huts firewood is stored under the beds, and the partitions between the rooms are partially made of reeds and wattles; much risk of fire is incurred, as we notice that fires are burning on the floors, without any protection, in the corners of the huts. The roofs are much discoloured by smoke and the rafters are encrusted with soot; the smoke finds an exit between the wall-plate and the roof along the eaves, the Indians having closed the ventilators.

The estate hospital was closed on the suggestion of the Medical Officer of the circle, and with the sanction of the Protector of Immigrants, the reason given being that the sick could be sent direct to the Central Hospital, only a mile distant.

Medicines are kept by the owner for urgent cases.

EQUEEFA ESTATE.

JUNE 23rd, 1885.

Sonnar's Complaint. (See evidence, page 233.)

It appears that this woman's husband has not been sick and that he is at work to-day; so say Mr. Turton, the manager of the estate, and Dr. Tritton, the Medical Officer of the circle.

Munissamy's Complaint. (See evidence, page 233.)

Dr. Tritton states that he has traced this leprosy to Munissamy's mother's sister; he further expresses an opinion that leprosy is inherited more from the female than from the male ancestors.

Roggasing's Complaint. (See evidence, page 233.)

The Commissioners inspect the mealies, which are at this moment being ground into meal at the mill. The mealies
are good, but the meal appears to be unsuitable for the making of chappatties. See, further, the evidence of Dr. Tritton, page 236, and of Mr. Turton, page 240.

JUGGERMUNDAN'S COMPLAINT. (See evidence, page 233.)

Dr. Tritton reports that there is nothing the matter with this man's leg, and, in the Commissioners' opinion, his complaint is groundless.

SENGAN'S COMPLAINT (see evidence, page 233).

The Commissioners find that this man is a free Indian, and the manager states that he is at liberty to go whenever he pleases. The man is not employed on the estate, and it appears to the Commissioners that his want of money is the only reason for the complaint which he makes.

DALICH'S COMPLAINT (see evidence, page 233).

Mr. Turton explains that he had no syringes, with which to give him an injection, nor any copaiba, so he gave him a Richardson's pill.

RAMKISTAN'S COMPLAINT (see evidence, page 234).

This man, Ramkistan, is suffering from hematuria, due to the parasite bilharzia hematoxia. He is very much reduced by the disease. Mr. Turton says that he does not ask for medicine. Dr. Tritton shows to the Commissioners a bottle containing a quantity of urine recently voided by this man; this fluid is almost pure blood. It appears that he has already been in the Central Hospital, Umzinto, and has been discharged as incurable.

The Commissioners think that he should be sent back to the Central Hospital, Umzinto, as soon as possible.

RAMLAR'S COMPLAINT (see evidence, page 234).

Dr. Tritton reports that this case is incurable.

RAMESHUM'S COMPLAINT. (See evidence, page 234.)

Nothing wrong with this man, in the opinion of the Commissioners.

There is a large dam, into which ten or twelve thousand gallons of vacuum-pan water are daily discharged, and on its bank human ordure is noticed; the water is offensive in smell, semi-stagnant and covered with a yellow scum. The overflow water from the dam, after a circuitous course of more than one mile, enters the Equeefa river near Mr. Hawkesworth's mill, its flow being much impeded by reeds and vegetation. Near this dam is a well, partly overgrown and choked with decomposed vegetable matter.
The stream, from which some of the drinking water is obtained, is overgrown with rank vegetation and its banks are fouled by human excreta, especially so in the cane near the spot where the stream crosses the road about two hundred yards above the Indian huts.

There are three wells in use, the water from which the Indians say is very good, especially that from the one near the banks of the stream, below the huts, on the road leading to Mr. Harksworth's. These wells are unprotected by parapets and are, therefore, liable to receive surface impurities after rain. Another supply is from a spring by the side of the main road; this water is carried, under the road, into a tub, and is said to be the best on the estate; the medical officer recommends it for general use in preference to all others, but it is doubtful whether this supply would be sufficient. An old clay pit between the Indian huts is filled with stagnant, slimy water.

There is much rubbish and human excreta about the huts; after heavy rain, this must be washed down and must contaminate the water in the stream and in the wells.

On the road, leading from this estate towards Mr. Harksworth's, very considerable defilement from the Indians easing themselves is noticed.

There is a manure-heap, upon which the residue of skimmings, after pressing, ashes and other refuse, are thrown; on the lower side of it there are two large catch-water drains to collect any oozing, which is re-transferred to the manure-heap.

The distillery is not working, therefore there is no dunder; the treacle is sold or stored in tanks.

The estate hospital is used for slight cases and is in a satisfactory condition; but the poisons should be under lock and key and should not be placed on a shelf with ordinary medicines.

UMZINTO (No. 2) ESTATE.

JUNE 24TH, 1885.

The vacuum-pan water is run into an old clay pit and must find its way by percolation into the river Umhlonga, which joins the Umzinto, and any overflow would take the same direction. The washings of the floor of the mill, containing treacle matter, are drained into other clay pits and are supposed to be purified, by percolating through soil, before joining the above stream.

The skimmings are placed on a manure-heap and covered with ashes, and this manure is used in the fields. There is no distillery and consequently no difficulty from dunder.
The drinking water is supplied by two wells and appears to be good, but the Indians prefer water from the river Umhlonga.

The Indian huts are in fair condition; human excrement, however, is observed in their vicinity.

There is no estate hospital. An indentured Indian, named Panjam, is noticed to be suffering from secondary syphilis in an advanced stage, and is barely able to move about; he has been in the Central hospital twice for this disease since last October and returned to work two months ago. He points out the indentured Indian woman, named Marachia, as having infected him with syphilis; this woman was in the Central hospital with primary syphilis about the end of 1884, and to-day she is found sick in bed in the lines, suffering from secondary syphilis, but cohabiting with an indentured Indian! The condition of Panjam, inspected by Brigade-Surgeon Lever, member of the Commission, is as follows:—Condyloma about the anus, secondary symptoms on skin, a hard cicatrix of old chancre on glans penis, syphilitic ulceration on corners of the mouth and of throat.

EQUEEFA ESTATE.

JUNE 25TH, 1885.

As the Commissioners are this day driving through the Equeefa estate en route to the Equeefa Central estate, an Indian, named Moosa, indentured to the Equeefa estate, is brought to them and, being examined, speaks thus:—

By the Chairman:

"I belong to the Equeefa estate. I complain of my foot, on which there is a large ulcer. It was caused by a stick running into it, when I was on duty. I have been ill with it for five months, and have been three weeks in hospital. The doctor only gave me castor oil to put on the wound. Mr. Turton, the manager, orders me to work and threatens me with imprisonment if I do not work."

This matter is investigated by the Commissioners, and the ulcer on the man's foot is examined by Brigade-Surgeon Lever, who is satisfied that the Indian has ground for complaint, and that he is unfit to do work necessitating either standing or walking. The Medical Officer of the estate, being questioned on this man's condition, explains that he has treated the case in hospital, but that he has no power to keep him there or to compel him to go again to hospital.
EQUEEFA CENTRAL ESTATE.
JUNE 25TH, 1885.

MUNISAMM's COMPLAINT. (See evidence, page 248.)

This man's case is investigated; he is wrapt in a blanket and complains of a cough and pain in the chest. Mr. F. J. Hawksworth, the estate owner's son, explains that he saw this man at roll call in the morning and nothing was then said about him being unable to work.

Brigade-Surgeon Leyer examines the man and is satisfied that he is ill.

The mill has stopped work owing to an accident to the machinery.

The skimmings, washings, and some treacle are run into a pit in a sandy soil, below the mill and in close proximity to the Equeuefa river; the contents of this pit, when partially dry, are placed on an ash-heap which is situated a little higher up than the intake of the water for the mill. We are informed that, when the river is swollen, the water rises half-way up this manure-heap; the pit into which the skimmings, &c., are run, must be more or less inundated on such occasions.

It is observed that, just above the place where the road leading from the Equeuefa estate crosses the river, there is a pool covered with greasy-looking scum; the water under this scum is clear. This pool is above the junction of the Equeuefa river and of the stream running from the Equeuefa estate.

The Indians obtain their drinking water higher up the Equeuefa river.

The water of the stream running from the Equeuefa estate appears to be of better quality than that in the Equeuefa proper above the junction of the streams.

There is no estate hospital; the drugs are kept on a shelf in the office, and poisonous drugs are mixed with them.

The Indian huts near the road and river are noticed to be in a somewhat unsatisfactory condition, as on other estates, human excrement being visible in their vicinity and on rocks in the bed of the river.

MARY VILLE ESTATE.
JUNE 25TH, 1885.

Rangamma, an Indian woman indentured to this estate, who was reported to the Commissioners as having been
abducted from the Umzinto Central hospital when in a critical condition after a recent operation for ovarian tumour, is examined and states to the Chairman:—

Toplan, the head coolie at the Umzinto Central hospital, did not tell me to run away, but a wagon, belonging to a man name Thorpe, came, and I got into it of my own accord and came home. I was comfortable in hospital, but my husband saved my life by giving me medicine and good nursing. I am now in good health.

Narayenassami states to the Chairman:—

Rangamma is my wife. I did not go to the Umzinto Central hospital and say to her, "Come home." She did leave the hospital and she came home, and so she saved her life. I gave her good nourishment.

There is no distillery on the estate.

The skimmings are thrown on the manure-heap. There is no vacuum-pan, wetzells are used.

The manure-heap is on the bank of a stream, the water of which is polluted; lower down, between the huts of the Indians and the mill, this stream expands into a large swamp. There is a stench from the manure-heap. Treacle, which is not sold to kaffirs or bartered for mealies, is mixed with ashes and placed on this manure-heap.

The Indians obtain drinking water from the above-mentioned stream at a spot where the supply for the engine is obtained, and above the manure-heap. Another source is from a branch of the same stream, also above the manure-heap, but below the Indian huts. The Indian, Narayenassamy, who is present, says that the water is good.

The Commissioners examine the water about a quarter of a mile below the mill, after it has passed through a large mass of reeds and rushes about a quarter of a mile in length and about one hundred and fifty yards broad, and find it clear, although polluted near the heap of manure.

The Indian lines are dirty and such human excrement is noticed in their vicinity. The huts are old and out of repair, and, being so situated that they receive the drainage of a bill behind them, the ground on which they stand is wet and muddy. Running under the floor of one hut there is a dirty drain, which conveys the water and refuse from the huts above it. This drain is at times choked, and a pole is used to clear it. Near these huts is a pig sty. The huts are built of grass by the Indians, their master giving them time to do so.

There is no estate hospital; the sick are all sent to the Umzinto Central Hospital. The medicines are kept in the store-room, and poisons are not locked up but mixed with other drugs.

There is no proper hospital-book, an old Pacific Steam Navigation Company's book is used in place of it; this book is retained by the Commissioners for further observation. The prescriptions are badly written, in pencil, and the directions for the administering of medicines so imperfectly given that Mr. Marshall, the manager, trusts to memory.
only for carrying out the doctor's instructions. The Chair-
man points to a prescription, containing tincture of aconite,
and dated 7th May, 1885, and asks Mr. Marshall if he can
read it; he is unable to read it.

FURTHER REMARKS: AUGUST 3rd, 1886.

This book has been used as a hospital-book since 2nd
August, 1876, the following doctors having made entries
therein:—

L. P. Booth.
J. Heath.
Richmond Allen.
W. P. Tritton.

At the commencement there are some prescriptions written
in ink, but we observe that since the appointment of Dr.
Tritton all the prescriptions have been written in pencil and
in manner so slovenly and careless that they are almost
illegible: certainly, to a person unacquainted with drugs, as
Mr. Marshall evidently is, the bad writing must cause
difficulty and perplexity. We notice that poisons, such as
aconite and opium, and preparations containing opium, are
prescribed with very imperfect instructions as to their ad-
ministration. Mr. Marshall stated that he could not read
the doctor's prescriptions, that he gave the medicines, the
doctor telling him what to give, how much to give, and how
often. It is within the knowledge of the Commissioners
that one of the complaints, made by Mr. Turton of the
Equefa estate against Dr. Tritton, was that he wrote his
prescriptions in an illegible manner, and Dr. Tritton was
warned by the Government that he should observe greater
care with reference to entries in these estate books; such
warning was conveyed by Colonial Secretary's instructions
of 11th September, 1884, and yet we find, from the book
now under consideration, that Dr. Tritton has entirely ignored
the instructions of Government. We observe, with much
regret, that although this book, which is headed "Pacific
Taboga," is manifestly unsuited for use as a hospital-book,
Mr. Mason, when acting as Protector of Immigrants, initialed
and thereby recognised it on 23rd September, 1882 (see
page 15), and on 10th September, 1883 (see pages 17 and 18)
we find an entry by him, also in pencil. We think that the
Protector of Immigrants was wrong in permitting a hospital-
book, so dangerous in its laxity, to be used on this estate.

COWICK ESTATE.

JUNE 26th, 1885.

The number of Indian Immigrant men employed on this
estate is thirty-two, of whom twenty-five are indebted.
The total number of Indian souls on the estate is sixty-eight.
The precincts of the mill are in a very dirty and neglected condition; refuse, fluid and solid, finds its way into a stream, close to the mill, which flows into the Iffafa river below the Indian lines. The skimmings are supposed to run into a tub near the mill wall, but we observe that they are running down a channel close to the wall of the mill, between it and the megasse shed, and into the above-mentioned stream. On the opposite side of the mill there is a drain filled with black, treacly-looking matter and megasse. The stream, at the foot of the yard, is choked with reeds and rushes. At the same side of the mill is a heap of decayed cane-tops, ashes and refuse, forming a manure-heap which rises to a cone about fifteen feet above the level of the stream; there is voicing of treacle from this heap into the stream, which is partly blocked by debris from the heap. The bank of the stream is raised several feet by refuse from the mill. The opening remarks, as to the dirty condition of the precincts, apply to three sides of the mill, and even on the front side there is the channel down which the skimmings find exit; after rain, the washings which go to the stream must render it festid and noisome. The intake of the water for the boilers is from a tub, filled from a dirty dyke cut from the stream before-mentioned. We trace this stream to its junction with the Iffafa river, about one hundred yards from the mill and about two hundred and fifty yards below the drift; at the confluence a sort of lagoon is formed, the water being inky in colour and foul to the eye; a few yards lower down we find the washing ground of the estate and women are engaged in washing clothes, some of which are drying on the bank. The child of one of these women fouls the stream in our presence; there is an abundance of soap suds discolouring the water. Mr. Sinclair informs us that, in the rainy season, the river rises six or seven feet, to the level of the high ground sloping upwards from the river; this high ground is evidently used as a general latrine, and much human excrement must then be washed into the river.

Drinking water is obtained from this river, after it receives the filthy stream of the mill yard, and a few yards above the place where clothes are being washed.

Dr. Tritton, who is present, informs us that, notwithstanding the above conditions, the health of the Indians on this estate has been exceptionally good; he also says that he has not seen the hospital book for some months, that, when he last saw it, it was much torn, and that he is in the habit of writing notes to Mr. Sinclair, the owner and manager, as to the medicines, dressings, &c., which are to be administered to the sick. There is no estate hospital. Dr. Tritton presumes that Mr. Sinclair makes up his prescriptions.

With reference to the evidence of Supershad (see evidence, page 250) the Commissioners examine the wages books kept by Mr. Sinclair; they are very unsatisfactory. The accounts have not been made up since the 28th April, 1885. Mr. Sinclair's explanation, in answer to the Chairman's questions as to Supershad's complaint of non-payment of wages, is not considered satisfactory by the Commissioners.
NIL DESPERANDUM ESTATE.

JUNE 25th, 1887.

There are seventy-six Indian Immigrant men of whom sixty-six are indentured. The total number of Indian souls on the estate is one hundred and twenty-six, i.e., 70 men, 29 women, 18 boys, all young, and 19 girls. One sick man to-day.

The Indian huts are excellently situated on the slope of a hill, being clean and altogether the most satisfactory we have seen.

The drinking water is obtained from the mill-race, a diversion of the Ussafa river, the water of which works the mill machinery; its quality is good and the supply is ample.

The wages books are examined by the Commissioners and are satisfactorily kept. We are informed that it is the practice to pay the wages one month in arrear.

Trescol is sold and bartered for meals.

There is no estate hospital, and in the so-called hospital book the entries are nearly all in pencil. The medicines and poisonous drugs are kept together, and are not under lock and key. Ursh, an Indian woman, suffering from debility after rheumatic fever, should, in the opinion of the Medical Officer, Dr. Tritton, who is present, be sent to the Umzinto Central Hospital; she has four young children, and so she is unable to leave the estate; her husband is working at the mill. Era, an indentured Indian, entered in the hospital book on 16th April, 1885, as suffering from primary syphilis, has been treated on the estate, continuing at his work during his treatment; he has recovered.

Near the water supply we did not notice any defiling matter, though the manure-heap is, in our opinion, too near the mill-race; there is no percolation visible in the direction of the water, but, after rain, there would be, we think, danger of the water being contaminated by leakage from this manure-heap.

UMZINTO CENTRAL HOSPITAL.

JUNE 26th, 1885.

The site is a good one, being on a hill overlooking the main road, with good natural drainage down to the base of the hill.
The following is the arrangement of the beds:—

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Infectious cases of disease are treated in a small ward and are isolated as much as possible.

There are under treatment the following patients:—2 women, 1 boy, 14 male adults, total 17.

There appears to be sufficient superficial area per bed.

The dispensary is clean and in good order. The medicines are well arranged and the books are carefully kept. The instruments are reported by the Medical Officer to be sufficient, and are well kept. The Medical Officer reports that all supplies are ample.

The latrine accommodation is sufficient, the pits are frequently emptied, and their contents are buried.

Outside the hospital enclosure, and on the opposite side of the hospital, distant about two hundred and fifty yards, is a piece of ground used as a cemetery.

The compounder, Mr. Collard, is reported by the Medical Officer to be efficient and qualified for his position. He appears to take very great interest in his work, and is well conversant with the routine of his duties.

Dr. Tritton, the Medical Officer in charge, is good enough to shew to the Commissioners, under a microscope, living specimens of the parasite, "biharzia haematobia," as well as ova in various stages of development. It appears to the Commissioners that the very careful and able investigations, which are being made by Dr. Tritton, into the life-history of this parasite, cannot but prove most beneficial to the general community as well as to the Indian Immigrants in whose special interest they have been commenced.

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**CANONBY ESTATE.**

**JUNE 27TH, 1885.**

The Commissioners notice a ditch by which dunder is conveyed to the Umkomansi River. The tide may act in the manner described by the witness, Mr. J. Hein (evidence, page 253); we, however, consider that this way of disposing of the dunder is not free from objection, because, in all probability, such offensive matter is washed to and fro by the ebb and flow of the tide; we are informed that the tide makes its influence felt for a distance of at least two miles above the spot at which the dunder is discharged into the river.
The mill refuse and skimmings are thrown upon a manure-heap, concerning which the Commissioners do not observe anything objectionable; the mill, however, is not at work, and its precincts are clean. We are informed that the mill will commence work in a short time. As the mill has not been working for a considerable time, we are unable to say whether the arrangements for disposal of the vacuum-pan water work satisfactorily.

CENTRAL HOSPITAL, ISIPINGO.

JUNE 29TH, 1885.

Dr. F. W. Greene is the Medical Officer in charge.

The site of the hospital is a good one with respect to the circle, as the majority of the Indians live between the Umbilo and Umkomas rivers, and it is near to the large sugar estate, Reunion. The building is of brick, with an iron roof; it contains beds for six males and four females; there is a small ward for any special case. No overcrowding of the wards has occurred, and, with the regulation number of beds only in use, the superficial area per patient is ample. The wards are well ventilated by opposite windows and by ventilators along the top of the walls; at night they are lighted by kerosene lamps.

There are no fireplaces, but one ward for males is warmed by a stove.

The dieting is satisfactory for the majority of the sick, but, in special cases, there appears to be a difficulty in obtaining suitable medical comforts.

The bedding and clothing are in good order and sufficient.

There are two bath rooms with one bath in each, filled by hand. Convalescent patients wash in the Umbilo river; for those too ill to do so, basins are brought into the wards.

Nursing is done by free Indians, untrained as nurses and engaged by the Medical Officer according to the number and urgency of the case. At the time of our inspection there is no nurse and the number of patients is three, viz., a man, a woman (not his wife), both with primary syphilis, and a child suffering from a burn.

The average daily sick for the past half-year is four; the chief causes of admission have been primary syphilis and bowel affections. Two deaths have occurred in the above period; one from lung disease, the second from fracture of the skull (murder case). The total admissions for the six months are sixty-one, and, for the corresponding period of 1884, forty-seven.
From enquiry, it is evident that if all cases of sickness, requiring residence in hospital for proper care and speedy cure, especially venereal cases, were compelled to come to the hospital, the average sick rate would be much higher.

There is every reason to believe that there is, on estates, much concealment of venereal disease.

The water supply, for drinking purposes, is the rain water collected from the roof of the hospital and stored in tanks; it has been sufficient, and could be supplemented, if needed, from the Umlas river.

The cooking is carried on in the compounder's kitchen, but there is no cook at present: a female patient, infected with primary syphilis, is officiating as cook.

There is a good mortuary in a detached building; there are quarters for three servants, a sufficient storeroom, and a house for the compounder. The office and surgery are in the hospital, between the male and female wards, and are of suitable dimensions. There is a good supply of instruments and drugs, but the poisons are not kept under lock and key, nor separate from ordinary medicines.

The latrine accommodation is sufficient and the latrines are clean.

Medicines are dispensed by Mr. Lefebur, who formerly served in the subordinate medical department of the Madras Army; he holds a certificate of competency to dispense, having passed in compounding of drugs at Madras.

The cost of maintenance of the hospital for 1884 appears to have been £216 5s., and its earnings, according to the hospital accounts, were £121 17s., leaving a deficit of £94 8s.; whereas the Protector of Immigrants' annual report for that year shows the cost to have been £257 3s. 4d., and the earnings £94 6s., leaving a deficit of £152 17s. 4d.

There is a small cemetery, about two hundred yards from the hospital, and distant from any watercourse.

CENTRAL HOSPITAL, VERULAM.

JUNE 30TH, 1885.

This hospital is in charge of Dr. S. G. Campbell. It is situated on a knoll, about three-quarters of a mile from Verulam, and is constructed of brick, with an iron roof. The building consists of a centre and two wings, affording
accommodation for thirty-four patients, viz., five wards for males and one for females, of the following dimensions:

No. 1.—Containing 5 beds, $17 \times 11\frac{1}{4} = 195\frac{1}{4}$ sq. ft., or 40 sq. ft. per bed.
No. 2.—Containing 5 beds, $17 \times 11\frac{1}{4} = 195\frac{1}{4}$ sq. ft., or 40 sq. ft. per bed.
No. 3.—Containing 9 beds, $19 \times 17 = 323$ sq. ft., or 35 sq. ft. per bed.
No. 4.—Containing 9 beds $19 \times 17 = 323$ sq. ft., or 35 sq. ft. per bed.
No. 5.—Containing 3 beds, $12 \times 10 = 120$ sq. ft., or 40 sq. ft. per bed.
No. 6.—Containing 3 beds, $12 \times 10 = 120$ sq. ft., or 40 sq. ft. per bed.

There is no separate ward for infectious diseases: we are informed that one such case has been treated in a servant's room, from want of other accommodation—a highly objectionable proceeding, as this room is in the general building for servants.

There has often been overcrowding of the wards for weeks together: The maximum number of sick at one time in the hospital was fifty-two, being an excess of twenty patients over the stipulated number of beds.

The ventilation is satisfactory, and means of warming are not necessary.

The bedding is in bad condition, and requires to be renewed at once.

Nursing is performed by three Indians, who have been trained by Mr. McCreavy, the compounder, and who have served three years under him. Mrs. McCreavy acts as female nurse.

The dieting would be improved by a ration of bread for certain cases. The medical comforts are sufficient, and the medical officer's orders, as to dieting, appear to be well carried out; but, on enquiry, we find that the Protector of Immigrants has objected to the bread ration which had been given by the doctor's order: it was discontinued in February, 1888, as well as the issue of coffee, tea and sugar.

An efficient Indian cook prepares the diets under the supervision of the compounder. The kitchen and utensils are clean and in good order.

The surgery is well supplied with drugs and appliances; but the poisons are not under lock and key, and are placed on the shelf with other medicines. The instruments are in good order; the addition of a stomach pump is most necessary for use in cases of poisoning, when prompt treatment is so essential.

In a small detached building there is a bath room with two baths, which are filled by hand; basins are used in the wards by bad cases, convalescent patients wash at the river.

The mortuary is a detached building, and suitable. The store room is conveniently placed and of sufficient size.

There is latrine accommodation, with seats and iron nails. The night-soil is removed and buried about two hundred
yards away and about forty yards from the edge of a donga which contains water after heavy rain. The latrines are disinfected with carbolic acid. Some difficulty is experienced in making the patients resort to the latrine; they prefer going to the "bush."

The water supply is rain water collected from the roof and stored in two tanks, of five thousand and eight thousand gallons' capacity respectively; economy has to be exercised in its use, and for this reason the convalescent patients are sent to the river to wash and bathe.

Outside the iron fence, surrounding the hospital, there is much refuse and sweepings which should be collected and removed. We notice a drain, from the cook-house, which has its outlet in the hospital yard, where the dirty water is allowed to run over the surface.

At night the wards are lighted by kerosine lamps.

The admissions for 1884 were four hundred and seventeen, giving an average daily sick of twenty-four; the number of deaths was forty-five. For 1885, up to date of visit, two hundred and fifteen patients have been admitted, and the average daily sick has been twenty-three, with thirteen deaths. Deaths have taken place soon after admission; this fact points to delay in seeking medical treatment. The prevailing diseases have been dysentery, diarrhoea, syphilis, and intermittent fever; the chief causes of death have been bowel diseases and exhaustion therefrom.

The Commissioners think that other accommodation should be provided for women, apart from the wards for males, as at present there is too much opportunity for the mingling of the sexes. A few suits of hospital clothing are needed to replace the dirty and infected clothing of patients.

Mr. McGreavy has been the compounnder since 1st January, 1885; he has served twenty years in various hospitals, and Dr. Campbell reports highly on his ability. Brigade-Surgeon Liewer tests his knowledge of drugs to some extent, and he appears to the Commissioners to be well qualified for the post.

MOUNT EDGECOMBE.

JULY 1ST, 1885.

The sick are examined at the office of the accountant. Medicines are kept in a cupboard near the sugar-bagging platform, and are supplied by the medical officer (Dr. J. McIntyre) under a private contract with the Company, ten
guiness per quarter being paid to him for the supply. The
cupboard is not locked and poisons are kept with other
drugs. The only instrument is a broken glass syringe.

The hospital book, which also contains the prescriptions,
is kept in pencil. We notice an entry by the doctor on
May 20th, 1885, when he inspected a batch of sick Indians,
that they were a very bad, naked, dirty lot of Indians.
Similar remarks, as to want of cleanliness, are frequently
recorded by the doctor.

The Indian suffering from a large scrotal rupture, and
seen by the Commissioners at their first visit on 6th March,
1885, has been sent to India. He was not supplied with a
tress prior to leaving the estate.

There are twelve sick men awaiting the visit of the doctor,
who paid his last visit on the 20th day of June.

The hospital is a suitable building, but is not used as such
at present; some Creole workmen are living in it.

The vacuum-pan water, having been used over and over
again for about a week, runs from the fascine apparatus
along an open drain and under the yard to the filtering
tanks. In the first tank lime is added to the water and the
impurities are precipitated, the clear water overflowing into
the second tank, where any further impurities are precipi-
tated; the water then passes through a filter composed of
charcoal, sand and broken stones, and up to the present
time has been discharged into an open drain running by the
side of the railway. In course of construction is a covered
drain to convey the filtered vacuum-pan water to a distance
of two thousand yards, to a stream just above the distillery
and below the spot where the Indians obtain their drinking
water. We are told that it is intended to disinfect the water
daily, first with lime and then with sulphate of iron, for a
distance of one thousand yards; about one per cent solution
of sulphate of iron is to be used.

We notice an open drain, on the left side of the road, near
the distillery, into which run the washings of the casks;
this water enters a spruit flowing under the road leading
from the mill to the distillery. On the right side of the road
there is a smaller drain, in which we see coozings from the
dunder-pit; this drain also runs into the spruit. The water
in the spruit is discoloured and has a sweet mawkish odour;
this spruit discharges into the Little Umhlanga river.

The dunder-pit near the distillery is partly filled with
dunder, decomposing magass, and water; most of the solid
part has been removed, and, having been mixed with ashes
and trash, is stacked with manure. There is scarcely any
smell to-day.

The skimmings are not now conveyed to the manure-heap;
they now go through a filter press where the juice, to be
made into sugar, is separated; the residue leaves the press
as a dried cake, which is put on the manure-heap. In
Europe the dunder from sugar-beet is concentrated by boiling and then burnt, a very expensive process, but potash is made thereby, and, as it is a marketable commodity, the expense incurred is just covered. This process could not be applied to cane-sugar refuse, without heavy loss, on account of the enormous quantity to be operated on.

CATO MANOR.
JULY 2ND, 1885.

There is no distillery or vacuum-pan on the estate, and therefore there is no dunder or vacuum-pan water. Most of the sugar is sold as concrete. All the treacle is stored in tanks and sold to natives.

There are one hundred Indians on the estate, sixty of whom are indentured, and forty free.

The manure-heap, which is composed of trash, ashes and skimings, is on the bank of the stream, from which the water supply for the mill is obtained about half a mile higher up; it also abuts on a large drain, which carries the refuse water from the mill into the stream below the spot whence the Indians obtain their drinking water. The washings from the mill are thrown on the manure-heap, which is at present dry, as the mill is not working, and emits no oozeings; but, in rainy weather, fluid matter must of necessity gravitate into the river and also into the drain running from the mill into the river.

Water for drinking purposes is obtained from the stream, below the barracks, which runs into the Umkumbana. The drinking water appears to be good.

The Indians resort, for purposes of nature, to places along the bank of the stream. Formerly there was a rule on the estate that any Indian, found committing a nuisance near the huts or water courses, was fined ten shillings, the informer receiving half the fine; but the manager was summoned by an Indian for so fining him, and, the case having gone against the manager, the rule was abandoned.

The Indian huts are situated on rising ground above the stream; some of the Indians obtain their drinking water from the Umkumbana, above the junction of the stream running past the mill.
The estate hospital is a brick building, with an iron roof; it is suitable, has two bedsteads which are never occupied, as the patients are sent to the Depot Hospital at Durban. Drugs are kept in a store house apart from the mill, under lock and key; there is no hospital book, the prescriptions being written on sheets of paper, which are filed. The hospital book is supposed to be in Dr. Donnar’s possession.

There is very little venereal disease on this estate; there have been no suspicious deaths, and very little sickness has prevailed. Mr. T. Cook, the manager, has been twenty years on sugar estates.

VERULAM PRISON.

July 3rd, 1885.

There are twenty Indian and thirty-three native prisoners to-day. The average daily number of prisoners for last year was fifty-five—average daily number of Indians for same year was thirty.

No portion of the prison is set apart for the exclusive use of females.

There are eight cells only in the prison, and much overcrowding is the result.

Buckets are the only means for personal ablution and bathing. Prisoners are not washed on admission.

Water is supplied from the Umhlopi river, by a labour gang of prisoners, and is stored in a tank; there has been difficulty in retaining a proper number of prisoners for carrying water from the river, as the road party claims all the available prison labor.

Latrines and urinals are in a lean-to shed, and are supplied with pails, which are emptied daily. There is no separate latrine accommodation for women; the turnkey has orders to see that men and women do not go to the latrine together, and that they be not there at the same time.

The clothing worn by prisoners, when admitted, is not washed before it is stored; it is bundled up in its dirty state. The gaoler states that many Indian prisoners are, when admitted, suffering from venereal disease.

The gaoler states that, now, the doctor inspects every prisoner, on admission, as to his fitness for hard labour; sometimes a man is put to hard labour before the doctor sees him. The Commissioners notice the following entry in “the book of occurrences,” dated September 30th, 1884: “Coorum Pillay sent in from the convict gang by the convict guard Reynolds at about 8.30 a.m. by native guard Umbuxi, who charged him with refusing to work. The man Coorum Pillay’s clothes were wet through, and he seeming rather sickly, I directed him
to be taken to the prison hospital ward; he did not then exhibit any signs of serious illness. At about 9.30 a.m. my attention was again called to him, when he appeared to me to be dying. I at once sent for the doctor, and on our return I found he had died during our absence. Dr. Campbell held a post-mortem on the body at 4 p.m.; organs, especially lung (right), much diseased, stomach full of water and undigested rice. October 1st, Dr. Thompson examined the body at 7 a.m. and found a lump of matter, resembling fat, in the heart, also cavities in right lung” (See our Report, pp. 39—40.)

The gaoler states that long-sentence prisoners, when seriously ill, are removed to the Verulam Central Hospital, and that, when they are there, the doctor is responsible for their safe custody; no special guard is furnished: this course is by order of the Resident Magistrate. Slight cases of sickness are treated in a cell where other prisoners are, if not of a contagious nature.

UMHLANGA VALLEY COMPANY, ESTATE NO. 1.

JULY 4th, 1885.

On this estate there are one hundred and ten Indians, twenty of whom are free. Concrete is the only form in which sugar is made. There is no distillery or vacuum-pan. The mill is situated on the bank of the Great Umhlanga river; the Trenance estate, the Ottawa, and another estate are situated lower down. All the skimmings and dirt from the mill are put on a manure-heap, which is situated near the bank of the river, a little above the mill; there is a retaining wall about three feet high, on the side of the manure-heap, next the river, through which there is no sign of any oozings. All the ashes and sweepings of the yard are put on this manure-heap.

The water at the drift, a little below the manure-heap, appears to be of good quality, large fish being seen in it by the Commissioners when inspecting the stream.

The Indians are allowed to resort anywhere for latrine purposes, provided that they do not commit a nuisance about the roads or huts.

The ground in the vicinity of the huts is very clean.
The manager, (Mr. Binns), has a rule that, if no more than five per cent of the Indian labourers be absent from muster on any day, he makes no enquiries. To-day there is only one man sick.

The drinking water, for Indians, is obtained from the Great Umhlanga river and from a well.

The mill-yard and its surroundings are exceptionally clean; this exceptional cleanliness may be, in some measure, due to the fact that the system of manufacturing sugar (concrete) causes less trouble with refuse and other objectionable matter connected with other systems of sugar making and with the working of distilleries.

STANGER PRISON.

JULY 5TH, 1885.

The accommodation in this gaol consists of four cells for natives and two for Europeans. There are only three Indians in gaol to-day; they are convicted and sentenced to short periods of imprisonment, not exceeding two months. These Indians are placed in a cell with three native prisoners.

There are also thirty native prisoners, twenty-one of whom are convicted.

The gaol is much over-crowded; in two instances there are seven prisoners crowded in one cell, and in one of these cells the seven men are awaiting trial on the charge of murder. The average daily number of prisoners has been thirty-five for some weeks past.

When a female prisoner is admitted, she is placed in one of the cells for men; the male prisoners are then crowded into a cell with other prisoners.

The sick are treated in No. 1, European cell, when vacant; but, when it is occupied, they are placed in the gaol-kitchen under the charge of a guard, and at times it has been necessary, owing to the overcrowding, to put ordinary prisoners in their kitchen to sleep. From the present overcrowding, the ventilation is insufficient to keep the air pure.

The water-supply, for drinking purposes, is rain water collected from the roof of the gaol and stored in an underground tank. It is pumped up for use.

The prisoners wash in a sluit, outside the gaol.

The latrines are clean, and the pits are emptied every morning; their contents are buried at a distance from the gaol. (See our Report, p. 39, and Evidence, pp. 263—264.)
KEARSNEY ESTATE.

JULY 6TH, 1885.

The Indian lines are situated on a ridge. There is a good deal of rubbish and human ordure in the vicinity of the huts.

A room is set apart as an estate hospital; bad cases of sickness are sent to the Verulam Central Hospital. The Medical Officer (Dr. Jones) visits the estate once a week.

The Indians resort anywhere for the purposes of nature.

The water for drinking purposes is obtained from a small reservoir, supplied by a spring, and situated below the Indian lines and the road. The water is discoloured.

The Indians, from whom enquiries are made, say that they are all contented and that the rations are good.

The medicines are kept in the office, but poisonous drugs are placed with them and are not under lock and key. The hospital book is well kept, and the prescriptions are legibly written in ink.

ESTCOURT PRISON.

AUGUST 1st, 1885.

The ventilation of the cells is sufficient. Some of the floors are of brick, and some of sandstone smeared with cow-dung. The approaches, between the cells and outer wall of the gaol, are also smeared with cow-dung. We notice that this cow-dung has been so thickly applied that much of it is broken up and is thus liable to be blown about by the wind.

The hospital is a separate building, in the gaol yard, and consists of two wards, one for Europeans and one for native male prisoners; the surgery is in the centre of the building. The wards are clean and the accommodation is very good. Female prisoners, when sick, are treated in an ordinary cell set apart for the purpose.

The latrine accommodation is insufficient, there being only two tubs for natives, and one for whites; these tubs are emptied every day, and their contents are buried outside the gaol. There is no latrine for female prisoners, who resort, under the guard of a native policeman, to the veldt outside the gaol.
INDIAN HOSPITAL, DURBAN CENTRAL STATION.

FURTHER VISIT, DECEMBER 11TH, 1885.

The small room reported to have been used as a lock-up at the railway Indian hospital, Durban, is inspected this day.

The entrance to the room is the second door on the left of the passage from the front entrance of the hospital. Its dimensions are 6½ feet by 6 feet by 7 feet high. There is a ventilator in the roof. There is a window, about two feet square, which is secured by three iron bars, and, on its outside and at the distance of about two feet, there is a screen of corrugated iron carried up to the upper part of the window; this screen prevents, we are informed, food and other articles being handed in to the inmates.

The cooking of rice and dholl, for the sick, is going on at the time of our visit; the food is inspected and found to be of good quality; this is the only diet being cooked. (See our Report, Chapter IV, pages 17-25, and Evidence, pages 328-373.)

MOUNT EDGEcombe DISTILLERY.

JUNE 14TH, 1886.

One still is at work. The dunder is run into a tank, outside the building, and thence is pumped into water-carts and conveyed to the fields, over which it is distributed. It is noticed that some wash, leaking from the vats, finds its way into a drain, and is thus carried into a small water-course, which finally communicates with the Little Umhlanga River. The Manager states that he has done his best to prevent this leakage, but is unable to stop it entirely. The leakage is sufficient to discolor the water of the stream.

The Commissioners are gratified to find that many improvements have been effected in the surroundings of the mill and distillery since their last visit. There is evidence of much care and attention being paid to general cleanliness. A new estate hospital has been built of brick and corrugated iron, and the manager is about to erect two sets of Indian lines of brick with thatched roofs. Latrines are to be established, and the Indians have expressed their willingness to resort to them, provided they be kept clean by Indians of the "sweepers" caste, of whom there is a supply on the estate.

The manager assures us that he is ready to carry out all sanitary requirements, reasonably suggested to him, and that he does not anticipate difficulty in doing so.
Notes and observations of the Committee appointed to inspect the Little Umhlanga River.

JULY 26th, 1886.

On the above date we inspected the river in its course through the Avoca Estate, the property of the Natal Land and Colonization Company, and found the water covered with scum, black, and of bad odour, evidently from dunder and sugar refuse. We visited the free Indian location on the above estate; these Indians were loud in their complaints of the foulness of the river. They said its water caused vomiting and diarrhoea in their children, and that they themselves suffered from colic and looseness of the bowels from using the water.

We inspected this river in places for a space of over three miles, crossed and recrossed the drifts on the Effingham Estate, and found the water, at every place at which we examined it, black and impure. The stirring up of the water in crossing the drifts caused it to become blacker in colour and to emit a bad odour.

The water throughout its course is sluggish and has many stagnant pools of almost inky colour.

From the Avoca railway bridge down through the Avoca Estate, Effingham Estate, and to the Sea Cow Lake, where our inspection ended, the river spreads out into large areas of marsh, covered with vegetation. The water of these areas appeared to be full of polluting matter.

We inspected the new well which was sunk 14 days ago on the Effingham Estate to supply water for the oxen, as the river water was undrinkable. We also inspected two wells on this estate, mentioned by Dr. McIntyre in his report; they are disused brick-pits above the level of the Little Umhlanga river, between the mill and coolee barracks. The water is fairly clear, but it is said to be brackish. At the time of our inspection, the Indians were drawing water for domestic purposes, and, from the way the banks are tramped and from the appearance of the paths leading to the pits, we consider that most of the Indians obtain water from these pits.

MR. HARRISON'S.

We inspected Mr. Harrison's mill on the same date, and found the vacuum-pan water running direct into a tributary of the Little Umhlanga river, distant about 100 yards. This tributary has a bad smell, and, in every pool, a dark deposit is present. A new wooden trough, much larger than the old one, for the purpose of carrying the dunder across the above tributary, was being put in position at the time of our visit. The dunder from the distillery runs through this trough into a pit, made in the sand and at a higher level than the Little Umhlanga river or the above tributary, and only a few yards from the banks of the latter. The dunder is pumped from this pit and is allowed to run over the ground where ashes and trash are placed. Surplus dunder, not absorbed by the ashes and trash, finds its way into an open drain which runs into the Little Umhlanga river above the point where the vacuum-pan water enters this river. This drain was partly obscured with cane-tops and with trash, under which we saw a dark deposit, evidently from dunder.
The river at the point crossed by the Railway, and below the spot where the vacuum-pan water enters it, has the same smell as the water coming from the mill to the river.

Further Observations, 28th July, 1886.

On passing Mr. Harrison's mill this day we noticed a coolie removing the trash from the drain, down which the dunder runs into the river. We also noticed a pool of dark fluid, having a very bad odour, which had been obscured by trash; this drain is the one alluded to in our notes of the 26th instant.

The Committee inspected the River and its tributaries in the neighbourhood of the Natal Central Sugar Company's Mill, at Mount Edgecombe, on July 27th, 1886.

On the Verulam side of the Railway Station and adjacent to the railway coolie barracks the river is clear, no scum being on the pools. A small stream runs under the railway between these barracks and the station; this stream is formed by two streams joining a short distance from the bridge; one of these streams above the junction is clear, the other, which flows from one of the dams on the estate, is greatly polluted. This pollution is caused by the Indians washing in it the sugar filtering bags from the mill; these bags, numbering about 180, have been washed in this place twice a day, and then hung over an iron rail crossing the stream, in order to drip. The Indians, who brought these bags during the time we were there, informed us that they had always washed the bags in the stream, but that they now brought a tub in which to wash the bags for the first time, by order of the manager. Below the spot where the bags have been washed, there is a thick scum, resembling sugar-skimmings, on the pools; above this place the water is clear. This stream runs, on the opposite side of the road leading from Durban to Verulam, to an Arab store, and crosses the road a short distance from the store. The people in the vicinity say that they cannot use the water of this stream, and that they have to get their water from either the reservoir or the other stream which runs under the road a little nearer Verulam. In case of heavy rain all this scum must be washed into the Little Umhlanga. Below the place where these streams enter the river, the water is not so free from discoloration as in the vicinity of the Railway coolie barracks. There is a small stream which runs past the distillery, the pools of which have a dark scum, and the water,
when agitated, smells of dunder. This stream bears evidence of having been polluted by dunder at some previous period, and enters the Little Umhlanga on the Durban side of the Railway Station, but at present the dunder is drawn in casks from the distillery and distributed over the land being prepared for sugar-cane.

Along the banks of all these streams we observed human excrement.

On our visit to the Central Mill Estate, Mount Edgecombe, this day, we met the Magistrate of the Inanda Division (Mr. Titren), who informed us that the free cooks from the Avoca estate had been to his branch Court at Avoca that morning to lodge a complaint concerning the impurity and pollution of the Little Umhlanga river at their location. The complaint could not be entertained, as no sworn deposition had been made against any particular person as being the offender.

Mr. Titren expressed to us his opinion that the river was much polluted, and pointed out to us, as he travelled in the train, several places in the river which were much polluted. The Clerk of the Court, Mr. D’Hotman, who was present, also pointed out the polluted state of the river. Both gentlemen complained of the smell from the dunder at the Central mill, and said that they had to hold handkerchiefs to their noses when passing this estate; they, further, said that the smell had been so bad that persons shut the windows of the railway carriages.

28th July, 1886.

To-day the Committee proceeded to Daff’s Road railway station and drove to Milkwood Kraal Estate, to enquire into the reported pollution of the river by steeping the aloe plant to extract its fibre for rope-making. The manager, Mr. Blamey, pointed out the place in the river where he had steeped the plant last year; it is now overgrown with reeds and rushes.

We observed no pollution; the water was lying in pools, and filters through sand from pool to pool.
Mr. Blancey informed us that there were no Indians engaged in sealing the aloe plant, as reported to us by Mr. Doherty, the compounder of the Avoca Central hospital, to have been the case about October last year.

We then proceeded to Mr. Binns' No. 2 mill and distillery, a short distance from the Phoenix railway station; they are situated on a tributary of the Little Umhlanga river. The water of this tributary was lying in pools near the distillery. The road across the tributary was almost dry; the water from above it percolated through the sand to the pool below. In a pool, above this road and about 100 yards below the mill, the water was fairly clear and did not show signs of pollution. We inspected the dunder pit, into which dunder was running, through a pipe, from the distillery. There was evidence of this pit having at some date burst its bank to a small extent, and, from the appearance of a channel, dunder must have run down the slope to some low-lying land. It could not have found access to the stream, on account of an elevated roadway intervening. There is another pit, between the distillery and the stream, into which is run the washing of the vats of the distillery and the washings of the sugar mill. The gutter, leading to this pit, had evidently overflowed, the washings escaping into the river and forming a thick scum in a pool just below a dam which supplies water for the distillery. We consider that this pit is too near the river bank.

We then inspected the junction of this tributary or stream and that running past the Central mill and distillery at Mount Edgecombe. The water in the pools of the stream from Mr. Binns' No. 2 estate was fairly clear, but there was much matter, consisting chiefly of mealie stalks, thrown in by free Indians who cultivate the land adjoining.

In the stream from the Central mill, the water was darker in colour and impure. In this stream also there was a large quantity of mealie stalks.

We then continued our inspection down the Little Umhlanga proper on the way to Avoca, crossing the stream which runs from Milkwood Kraal and which showed no sign of pollution. The further we went down the Little Umhlanga River, the darker and more impure we found its water. The vegetation about it was also dense and rank, and in varying stages of decomposition.

On arriving at the river at the Avoca mill and distillery, we observed a cockie removing annuls of trash from a drain which runs from the ground, appropriated for depositing dunder on Mr. Harrison's property, into the river. In this drain was a pool of very dark fluid, which had a very bad odour of old dunder—we have already alluded to this drain in our remarks, on Mr. Harrison's property, of the 26th instant.
INDIAN IMMIGRANTS COMMISSION

APPENDICES.
# INDIAN IMMIGRANTS COMMISSION.

## APPENDICES.

### APPENDIX A.

List of employers of indentured Indian immigrants, grouped with respect to Medical Circles, 1885.  
(See Report, p. 70).

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### DURBAN CIRCLE.

<table>
<thead>
<tr>
<th>Employer</th>
<th>No.</th>
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<th>Address</th>
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<td>Arbruckle, Wm.</td>
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<td>Schultz, Dr.</td>
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<td>Westville</td>
<td>Durban</td>
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<td>Airth, A.</td>
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<td>Sinnappere &amp; Co., W.</td>
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<td>Reid &amp; Acutt</td>
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<td>Millar, Jno.</td>
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*The men working on this Estate included in Virginia Estate Return.
### VERULAM CIRCLE (continued).

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**Total** ... 413
APPENDIX B.

REPORT OF THE COMMISSION ON LEPROSY.

(See Report, p. 60, and infrà, Appendix N).

To His Excellency Sir Arthur Elphinstone Havelock, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

May it please Your Excellency,

The Commission appointed by His Excellency Sir Henry Ernest Bulwer, lately Governor of this Colony, under date Tuesday, the 27th of January, 1885, to institute enquiry as to the extent to which leprosy prevails in Natal, and to consider the best means of dealing with those affected with the disease, to consider what measures should be taken to check the progress of the disease, and to take such evidence as may bear upon the subject of leprosy in the Colony, has now the honour to submit for Your Excellency's consideration—

A 1stly, The action taken by the Commission.

B 2ndly, The evidence gathered by the Commission.

C 3rdly, The reports of the Sub-commission appointed by them.

D 4thly, The measures the Commission deem advisable to be taken to check the spread of the disease, and to alleviate the sufferings of those who are at present affected.

2. The Commission met on the 3rd February, 1885, for the first time, in Pietermaritzburg, when Captain Lucas was elected Chairman.

3. The Chairman placed himself in communication with all Resident Magistrates and District Surgeons in the Colony. (A statement of leprous persons, so far as were known to those officers, is appended, marked "A.")

4. The Commission again sat on the 9th February, 1885, in the City.

5. In compliance with resolution No. 1, the Chairman took such steps as he deemed necessary to obtain information.

6. The next meeting of the Commission took place on April 1st, 1885,
7. On April the 9th, the Commission again met, when it was resolved that a Sub-committee should issue, to proceed to Victoria County to gain information.

8. On the 24th of September, the report of the Sub-committee was received and read.

At this meeting it was resolved—

a 1st, That the Chairman and a medical officer be appointed a Sub-committee to make further enquiry in other infected parts of the Colony—a resolution which from unavoidable causes was not carried out.

b 2ndly, That certain temporary measures of a preventive character were immediately desirable.

9. Dr. Thomson left for England on duty in October. This gentleman's seat on the Commission has not been filled up.

10. From evidence which we have taken as exhaustively as it was within our power to do, it has been conclusively demonstrated to us that leprosy is widely spread over the Colony, that it is slowly increasing among the Native population, having made a home for itself in several centres, from which it is being propagated, as the Natives think (in many cases no doubt correctly so) by hereditary transmission; that it has also broken out in isolated localities where no contact can be traced between the affected and those people among whom the disease has been known to exist for years; notably so in Alexandra County (ride Chairman's Report, dated 9th March, 1886.)

11. The Leprosy Map of the Colony appended indicates the localities in which the disease has appeared.

12. Places which may be called hot-beds of the disease are marked in red; those where the disease may be said to be hereditary, in blue; those in which we were unable to trace its origin, in green.

13. How it originated the Commission cannot from the evidence before them hazard an opinion of their own; so far as that of Natives is to be followed, it appears to have shown itself in Natal at a late date compared with other countries where it exists. There are two Native stories each accounting for its appearance in a particular district; one story being that the disease appeared in Zikali's tribe some years ago, having been brought by two members of the tribe who had lived for two years in the Cape Colony (Grahamstown), each on cohabitation with a coloured woman.

14. They did not bring the women with them on their return to Natal, but at the same time, subsequent to their return, they became lepers, and the disease has since spread among the people, and has probably extended to other localities in the upper districts.

15. The evidence gained by Dr. Carter inclines us to believe that the disease may probably be contagious and infectious as well as communicated by inoculation. If this is the case, it would account for the appearance of leprosy in some of the cases we have investigated, and it is certain that Dr. Carter is of opinion that it is possible to communicate the disease by contact.
16. In tables attached to Dr. Carter’s Report on Leprosy, dated 5th March, 1884, giving table of persons affected with leprosy in the Presidency of Bombay, at page No. I five individuals are named, against whose names the remark is made in column 5:—“The disease has been acquired by contagion.” It is but reasonable to suppose that Dr. Carter had satisfied himself as far as possible that this entry is correct—all through the tables quoted occurs the expression “not hereditary.”

17. It appears impossible that leprosy in this Colony should arise from causes assigned for its appearance elsewhere, such as bad sanitation, diet of salt meat, salt fish and vegetables in an unwholesome state, none of these causes being applicable to natives in this Colony. Their dwellings are airy, constructed of basket work, so to say, and covered with grass, through which the air penetrates. The insides of the huts are kept scrupulously clean, and the kraal (a collection of huts) also; in fact a native dwelling will compare favourably with an ordinary labourer’s cottage in Great Britain or Ireland. The situations selected for the erection of kraals are dry, airy, and elevated. The people do not eat fish, fresh, salt, or putrid. The little meat they do eat is, as a rule, anything but putrid. They use Indian corn where Europeans use wheat; the grain is as good in one case as the other. Leprosy cannot therefore be traced to any of the above-mentioned causes.

18. Before stating what measures the Commission recommend, with the object of checking the disease, it will be desirable to quote from the reports of Dr. Carter on leprosy, in Norway and other countries, presented to the Secretary of State for India.

19. For convenience of reference, that of November, 1873, treating of leprosy in Bombay, we shall call No. 1; that referring to Italy, presented in 1870, No. 2; that of the disease in Norway, No. 3.

20. At page 15, No. 1 report, Dr. Carter writes:—“The cases which are judged most suitable for segregation are the young and active lepers of both sexes; the idea being that they should not be allowed to propagate their disease to offspring, and this idea was the dominant one leading to the establishment of Asylums.”

21. “The helpless and infirm leper must obviously be cared for, and most asylum inmates are of this class.”

22. “Prevention of the disease is of paramount importance; and to this end the co-operation of the Government and lay element of the community is needful. Whatever else were the sanitary shortcomings of our ancestors, the measures publicly adopted, and by authority enforced, in Great Britain and most of Europe, seem to have been co-efficient, to say the least, in eradicating leprosy.”

23. “Professor Bo’s acquaintance with leprosy dates from many years back; and when, 30 years ago, he inspected the Western Riviera, there were about 150 cases of the disease to be found.”

24. “The number has since diminished, but at both Varazze and San Remo instances may yet be seen. To the eastward of Genoa the malady does not prevail, and while, in the direction indicated, the complaint is now disappearing, Dr. Bo is not aware that there has occurred any such change in the diet and habits of the people as might be supposed to correspond with this diminution of the leprous disease,”
25. "Segregation of the effected was recommended by Bo, and it was put into practice; then the disease began to diminish, and as this measure is the only real prophylactic against leprosy, its adoption in all similar cases is to be regarded as a means of the utmost value."

26. "Professor Bo is clearly of opinion that segregation of lepers, with separation of the sexes, is the only rational means of checking the spread and propagation of leprosy. His opinion is in remarkable accord with that of the Norwegian observers."

LEPROSY IN EUROPEANS IN INDIA.

27. "This subject can be touched upon only briefly in this place. As regards Bombay, I note that amongst the thirty or forty patients under treatment in the Ward for Incourables in the I. I. Hospital, there are usually two, three, or four European lepers; at present there are three men; lately one went to England in search of medical aid, one died, and one has lately come."

28. "This useful refuge for the helpless is now wholly occupied by the lepers; it was intended for Natives, but there being no other public accommodation for European lepers, such poor sufferers have necessarily been admitted here, notwithstanding the evident undesirability of treating European sick under the same rules as are intended for Natives. It is known that there are other European lepers living at their own homes in Bombay, but naturally some difficulty exists in ascertaining the exact numbers."

29. "Without in any way pushing enquiry in this direction I have myself lately seen three well-marked instances, viz., of a boy at school, a young woman, and an adult military man."

30. "Bombay still harbours in a crowded locality a leper colony of most wretched subjects—men, women, and children—and it is at least curious that the above three cases reside not far from this focus of loathsome disease."

31. "In other parts of India similar facts are known, and to mention only one illustration, I find at Madras the sanitary commissioner alluding to three European lepers he has seen on private practice, all of whom from their social position had every comfort that money could procure, and another eminent medical officer refers to three or four additional similar instances."

32. "Commonly, European lepers in India cannot give any consistent account of the origin of the disease, yet the bare facts of the whole case are sufficient to point to a special cause."

33. "Whether or no this cause be a specific one, operating by direct communication from the lepers to the healthy, I need not here enquire, and I will only observe that the sources of contagion absolutely abound among us."

34. "The real difficulty is to understand why so few European residents are now attacked, but present immunity (or comparative immunity) may not continue under circumstances changing so much as those we live in, these days of increasing social contact with the native-born."
35. "From some circumstances which have presented themselves to me, I am disposed to infer that, should the colonisation of India by Englishmen be even attempted on a large scale, there would be a decided risk of the new population becoming tainted with leprosy; nay, this risk might be converted into a positive infliction were not measures taken to prevent a possible communication of the disease, and therefore strict regulations would have to be enforced."

36. "Mr. Wilson, indeed, has suggested that England herself needs, or may need, protection from the constant, even if small, importation of lepers from abroad; much more then would prudence decide that Europeans permanently living in India should be careful of their surroundings."

37. "The methodical isolation of lepers has, during the past twenty-five years, been carried out with unremitting effort, the result being a decided diminution of the sick throughout this period."

38. "What the precise decline of leprosy has been cannot indeed yet be learnt, and strictly not until the demise of every leper in the country will it be ascertainable; this drawback being inherent to the exacter methods of registration."

39. "Probably the diminution has amounted to near 1,000, or about one-third of the total known in 1856, and this would be a very notable result to attain in so short a time."

40. "The Norwegian authorities have always candidly recognised and published a paucity of results under this heading, which of itself betokens the present hopelessness of the cure of leprosy, and the need of sole reliance on preventive measures for mitigation of this scourge."

41. "Dr. Hanson also very reasonably adds that on the supposition of leprosy spreading by contagion, one can readily understand the disease may be subsiding generally, in spite of a sustained production-rate, since, consequent on removal to the asylums and in isolation at home, there must necessarily remain at large a smaller number of contagion-bearers capable of infecting the hitherto sound. Indeed, except upon the hypothesis of contagion, no other explanation of events seems possible."

42. We also quote from report of Dr. Wyne, Medical Officer in charge of Leper Asylum, Robben Island, Cape Colony, to Select Committee to Cape House of Assembly in July, 1853: "The communicableness of this disease to animals is a matter of great importance, for the reason that it may also be communicable to human beings through the agency of animals, suffering from the disease, being used as food."

43. "Until I came to Robben Island I was not aware that this might be possible, for I had never even heard of its being probable. I do not know of any cases having been recorded, but it may be so."

44. "Two years ago I shot some two dozen pigeons, owing to the fact of their being too numerous, and I wished to keep them off the roof of my quarters, as I obtain rain-water from this source for cooking purposes. Amongst these I found two pigeons suffering from leprosy, the bowed legs and incurvated claws, with nodular or hypertrophied articulations. My attention was drawn to it quite accidentally by a resident of over twenty years."
45. "From time to time leper mice have been caught in the leper wards by the occupants, presenting the usual characteristic symptoms of leprosy. I am indebted to Mrs. Wilshere for a specimen caught in the chaplain's house, which is adjacent to the leper wards. I am indebted to Caesar Africanus for calling my attention soon after to some peasants suffering from the same affection. They had every liberty, and being treated near the leper wards, they prowled about the space in front of them, picking up any food which might be found about."

46. "An old turkey-cock may be seen to-day, as I have often seen it lately, prowling about the doors of the leper wards, affected with unmistakable leprosy. Several young turkeys limp about with him, showing the same symptoms as the young peasants, namely the bowed legs, incurvated claws, and hypertrophied articulation with sore-footedness."

47. In the cases in Alexandra County, which are fully described in the Chairman's report to the Commission dated 34th September, 1885, no case has been discovered of any intercourse between the affected and others who have the disease or whose distant relations had the taint. Thus arises another difficulty. When and how did these people contract leprosy?

48. It is well known that leprosy has existed for many years in the Cape Colony, but there is no evidence of the slightest degree showing that at the time the disease is said to have broken out in the Mapapeta tribe the inhabitants of the Cape Colony had had any intercourse with Natal Zulus, in fact it is well known that they did not.

49. How then the Mapapeta contracted leprosy there is no clue that we have been able to find.

50. We have reason to fear that leprosy is not confined to the Natives and Indians alone. Some of the Indians imported as labourers are affected, it is well known, but these people arrived in the Colony many years after lepers were found in the Mapapeta tribe.

51. The Indians cannot have disseminated the disease among the Natives in whom it has lately broken out, as there is no sexual intercourse between the races (supposing the possibility of its being thus propagated), nor can they have done so by contagion or infection, the Native having an intense objection to touching an Indian or his clothes.

52. This brings us to the question, "What measures should be taken to check the disease?" In the opinion that measures should be taken, and that as soon as possible, we are unanimous.

53. It should be remembered that the social contact between the European and Native population has very much increased of late years, and will doubtless continue to increase.

54. It is well known to those who have resided in the Colony for any length of time that until lately there was little, practically no social, intercourse between European men and natives. This is no longer the case; the lower class streets of Pietermaritzburg and Durban, and indeed of almost any village or hamlet in the Colony, will satisfy an enquirer of this.
55. There is danger, it is difficult to say how great, to the European population, unless some measures be employed to keep leprous females away from centres of population; and facing the possibility that transmission of the disease may take place by contagion and infection, it becomes a serious matter for contemplation that nearly all the European children in the Colony are nursed by native boys and girls, and that in the larger towns no employer knows where the nurse boy or girl comes from (possibly from some kraal affected with leprosy). Therefore, we consider, in the interest of the European as well as the Native population, means should be taken to check the spread of the disease.

56. The Commission held several very interesting and exhaustive conversations with Chiefs and Headmen of Tribes, with the object of eliciting their opinions as to the best method of checking what they, one and all, appear to consider an incurable scourge. We were careful to explain that the Government had no intention of making it compulsory upon any leper to accept assistance that the Government might think proper to offer.

57. The view held by these people is that segregation is the only means that can be adopted to check the spread of the disease, and that it should be carried out in some selected portion of the Colony, where the suffering families should be located and kept with their property.

58. It was pointed out to them that this would require force, and that the exhibition of force would in the nature of things defeat the measure, because the sufferers would rather take to the bush and hide themselves.

59. Further discussion, however, resulted in the following suggestions, in which all seemed heartily agreed:—

(a) 1st.—That it would seem necessary and natural that the first efforts of the Government to check the spread of the disease should be made where the disease apparently first took root, namely, in the Amapapete location. It was agreed that even supposing it possible to remove the infected portion of the tribe to another locality, the space vacated by them would become a wilderness, because it would not be used by other Natives for fear of infection.

(b) 2nd.—That the uninfected portion of the tribe should be removed out of the way to make room for the infected from other parts of the Coast districts.

(c) 3rd.—That segregation should then be strictly enforced. When the word segregation is used it must be understood to mean not segregation of sexes, but segregation of infected families, as great doubt exists whether segregation of the sexes would be possible; but it should be fully understood that no girl should go out of the leprosy location to marry, and that if any man wished to marry a girl in the location he might do so, but must go into and remain in the location.

Note.—A similar arrangement would be required for the up-country districts,
60. The Commission agree entirely with the suggestions detailed in paragraph 57, and would recommend they should be carried into effect; and, in order to obviate the necessity of using compulsion, that a medical man should be placed in charge of the infected locality; and as its members would not be allowed to mix with the general population or be in a position to earn money, that they should be exempted from taxation, and be assured that they would be protected against want in the event of failure of their crops.

61. It was agreed that such a paternal attitude on the part of the Government, exhibited in the determination to meet the disease on its own ground, and with the medical skill which has not as yet been applied to alleviate it, together with the assurance of provision against want and the remission of taxes, would conciliate the goodwill of the sufferers, and induce them to look upon the proposed scheme as really intended to ameliorate their condition, rather than to banish and place them where they might die, out of sight of their more fortunate fellow-creatures.

62. The Commission, supported by the opinion of the Natives consulted, believe that this scheme would commend itself to Native public opinion, and so enlist a more patient influence in its favour than the exercise of mere force.

63. We think these considerations to be worthy of the serious attention of the Government, seeing that they represent Native feeling on the matter, and the principles upon which, from their point of view, they believe that the evil might best be dealt with.

64. We are of opinion that this scheme, or some plan analogous to it, would meet all the requirements of the case. It would have the advantage of meeting the ideas of the Native population, and be but a comparatively small expense to the Colony.

65. The buildings necessary would be a house for a resident medical man, and a few wards attached in which to treat serious cases other than leprosy.

66. The medical man should have power to try and settle cases within the leper location.

67. But very few constables would be required. The Commission believe that once the leper location became a fact, no difficulty would be experienced in keeping the people within bounds.

68. The Commission regret that they were not in a position to obtain further evidence, and to follow up the clues presented to them, and would respectfully suggest that some further steps be taken to gain further evidence on this subject—one of such vital importance to the whole population of this Colony.

69. We strongly recommend that immediate steps be taken to provide accommodation and segregation for such pauper or vagrant lepers, and such as are, or may be driven out and deserted by their relations. This we consider absolutely necessary to prevent recurrence of such scenes as have taken place in the City of Pietermaritzburg, one of which was too horrible to detail.
70. The Commission makes no recommendation as to treatment of Indian lepers, as it is understood that the Indian Immigration Board is prepared to and do return lepers to India.

71. We desire it to be clearly understood that we are not convinced that Leprosy is propagated solely by contagion, infection or intercourse of sexes; but considering the information derived from the reports of Dr. Carter and Dr. Wynne, the evidence taken in Natal, and the universal opinion of the Natives of the Colony, we think no risk should be run and that no means short of compulsory segregation should be neglected to stay the spread of the disease, and to alleviate the sufferings of those already affected.

72. In conclusion the Commission wish to return their thanks to the officers of the Colony who have assisted them in this enquiry. We wish specially to thank Sir Theophilus Skepstone, Dr. Birtwell, District Surgeon, Umvoti, and Dr. Tritton, Indian Medical Officer, Umzinto, for their readiness to assist the Commission, and for the valuable aid rendered.

G. A. LUCAS, R.M.,
Chairman.

JAMES F. ALLEN.

LEONARD ACUITT.

JOSEPH BAYNES.

20th July, 1886.

EVIDENCE OF NATIVE CHIEFS TAKEN IN GREYTOWN.

GREYTOWN, February 9th, 1886.

MEETING OF THE COMMISSION ON LEPROSY.

Present:—

Captain LUCAS, Chairman.

Mr. LEONARD ACUITT.

Natives present:—

"Gatebe," Chief.

"Umhago"

"Umgwara"

"Umkonto"

"Batshisi"

"Umringe," Amacuna tribe.

"Indunas of the Amakabelo Tribe.

By the Chairman:

Leprosy has been known in my tribe since I was a young man; it first developed itself at that time. The first case was "Umkanya." When the disease first appeared he treated the matter lightly, but at last it became serious.

"Umkanya" had been to the "Mapepeta" to visit a relation, a cousin in the tribe, who had died of the disease, he remained a year and returned to us; it might be two years after his return that leprosy showed itself. "Mankanya" was the son of "Nokabuta," who had married a girl from the Mapepeta tribe. "Umkanya" was the son of this marriage.

The opinion of the Natives all over this part of the country is the "Mapepeta" tribe is the hot-bed of leprosy, and that the disease originated in the tribe,
We people of this country do not mix much with people living in Upper Tugela District; we are more nearly connected with inhabitants on the Coast.

"Umkanya's" mother did not die of the disease, as far as I or my old men know. "Umkanya" was an old man when he died. I knew him; he was of a light colour. When the disease broke out he got quite red, his face swelled, and the lobes of his ears became enlarged, his nose also. Before he died, his joints began to decay, and red patches came on his skin. His son showed the disease after he was married. He went to the Tonga country to be doctored; he died there. His limbs were swollen, and the colour of his skin changed.

"Mankanya's" daughter showed the disease when she was quite a child. She grew up and died. Her finger joints rotted off and she died.

The disease showed itself in my grandmother some years ago. She was one of the Mabouvu tribe, in which there is no leprosy to this day, except in the case of one man, who wandered about, having no fixed residence. (This man disappeared somehow.)

When my grandfather died my grandmother was apparently quite healthy, but after her husband's death she met "Manyosi," son of "Umkanya," and committed adultery with him, for which my father fined him. When this connection took place "Manyosi" had no appearance of leprosy, subsequently, however, the disease broke out upon him; he went to the Amatonga country, where he died.

A considerable time after the connection had ceased, my grandmother was attacked with leprosy. She is still alive. Dr. Birtwell has seen this woman, who had one child by Manyosi; up to present time she appears quite healthy. She is unmarried, although girls of her age are married, some of whom have two children. She is a very good-looking girl, but I think men are afraid to marry her, fearing she may have leprosy in her blood; she is my aunt. I think there must be ten cases in my tribe, but it is impossible to say how many, as the infected keep it secret if possible. I consider that "Umkanya" was the cause of the disease in my tribe, the people who have the disease are all related to "Umkanya," and the affected kraals are all in "Umkanya’s" immediate neighbourhood.

We are of opinion that if men hlabonga with girls who have got the taint in their blood no harm comes, but if a man marries a woman with leprosy in her blood, the husband, although the disease is dormant, contracts the disease, and it is transmitted to the children.

Formerly the people who lived in the immediate neighbourhood of the affected kraals did not object to mix with the lepers, because they had become accustomed to seeing the disease, but now they are awakening to the growing of the evil; but those who are not in the neighbourhood have and do shun the affected.

There are two kraals of men who married girls from "Umkanya’s" kraal; these men have contracted leprosy, though their wives appear quite healthy.

One of these men married shortly before the Zulu war, the other at an earlier date. Latterly men fear to marry girls from these infected kraals.
Dr. Birtwell, the District Surgeon, has paid several visits to the infected kraals in my tribe. Between the first and second visit one girl died of leprosy.

There were people from the infected kraals vaccinated, but none that were showing leprosy. The diet of the afflicted people is in no way different to that of others in the tribe. I know what syphilis is, it is quite different to the leprosy. A man can be cured of syphilis but not of leprosy.

Two of "Umkanya's" daughters married; one married "Umgan," the head of the kraal, and the other married his son, and both husbands became lepers.

A man married a Tonga girl who had been brought up at "Umgan's" kraal, and he also became a leper.

A girl of the Amatombvu tribe married "Umukubela," one of my men. She has contracted the disease. "Umukubela" and all his family are apparently quite healthy. The girl is in no way related to any affected family.

I and my Indunas have thought over what Captain Lucas said to us to-day, and our opinion is, and our hopes have for a long time been, that the Government would separate the infected people from the healthy, mark off a well-defined location, let the infected people be placed in this location, and if any man wishes to marry a girl of an infected kraal let him go and live among the people. That lepers should not be allowed to marry outside this location.

G. A. LUCAS, R.M.,

Chairman.

REPORT BY CHAIRMAN OF LEPROSY COMMISSION.

In compliance with resolution of the Commission, under date September 24th, 1885, the Report of the Sub-committee visiting the Inanda was forwarded for His Excellency's information, also the recommendation that another Sub-committee, consisting of myself and a Medical Officer, should visit centres of leprosy in the Colony and make an exhaustive enquiry as detailed in resolution of the Commission, dated April 9th, 1885. On the 26th of October I received authority to carry out this recommendation, £100 being the expenditure allowed.

Press of business prevented my taking immediate action. On the 26th of November I proceeded to a kraal in Supe's Location, Alexandra, where I had previously seen in company with Dr. Tritton, two men affected with leprosy.

The headman of one kraal, "Umxbulaba," originally resided in Zulu country under Tshaka, tribe of "Velegazi," father of same tribe; mother belonged to "Mbahidweni"; no trace of disease in parents, no knowledge of any disease in their respective families.

Umxbulaba's parents removed into Natal during Dingaan's reign, was twelve months old when his parents came to Natal, and died when old. Umxbulaba had no sign of leprosy until the year 1871.
This man told me that as far as he was aware he was quite healthy, until he awoke one night with a burning and itching sensation on the left thigh. Shortly after, blotches of a light copper-colour (his original colour being very black) appeared on his skin. About two years after, ulcers formed at the finger joints; eventually these joints fell off. When I saw him, all the fingers on the right hand were gone, and all the toes on one foot. Three weeks after I saw him his right hand became diseased to the wrist; lock-jaw set in, resulting in death. This man had two brothers—one died from dysentery; the other is alive, and apparently quite free from leprosy.

He had no sisters. Unxibula was married, and had eight children, all alive, and apparently healthy; three of his daughters are married, and their children appear healthy.

Two of his children were born after the disease showed itself—one died shortly after birth; the other is alive, and appears healthy.

The other man, "Lupusi," had been in Tshaka's army, and married the year the King was killed. This would make his age 82 at least. When Dr. Tritton and myself saw him, he informed us that up to the year 1878 or 1879 he had been perfectly healthy; that he went one morning to work, as usual, at his native forge; that when he took hold of his tools, he felt a tingling sensation on his right-hand forefingers and thumb; that he went home: in a short time blotches appeared on his skin, and after a short period the skin in places thickened and became insensible to the touch; that subsequently the skin of the legs became white and insensitive. He said he had never had any connection of any kind with any known affected tribe or individuals of a tribe.

This man was a magnificent wreck. We saw about 40 or 50 of his children—as fine a family I have never seen. I remarked one girl, about 17, with unusually short toes, and called Dr. Tritton's attention to this. He examined her feet, and found them perfectly formed, except that the toes were short. She told me to examine a brother, and she called him out of the crowd. The end of his little toe on right foot had a bulbous appearance, which he accounted for by having bruised it hunting some two years back. It ulcerated, but eventually healed, leaving the toe as it then was. When asked about the toe on the other foot, which also had a bulbous appearance, but in a less degree, he could not account for the circumstance. Otherwise the ad was without blemish.

Two years after, Lupusi showed leprosy. A child was born to him, who is now alive, and appears healthy.

The conditions of life of Lupusi were not such as to induce the disease. The kraals of Lupusi and Unxibula are situated on spurs of hills, well drained, and several miles apart. Both were wealthy men, especially Lupusi. Lupusi died a few weeks after I saw him.

On the 29th of November, my attention was called to a grand-daughter of Lupusi, named "Lady," between eight and nine years old. She told me that not very long after I had seen her grandfather, her left foot began to swell in front of ankle joint. In a few days an ulcer formed discharging matter. This healed up in about a month, but another ulcer formed at the back of the leg on the tendon achilles. This ulcer was open and discharging matter when I saw her. Her mother had borne three children before Lady's
birth, all died when able to run about. They appeared to have a cold, and went off in a day or two. Lady has two sisters living younger than herself. Her father was a son of Lapusi. Her mother came from Lower Illovo; her parents were born in Zulu country. No disease could be traced in the mother's family.

On the 27th of December last, I visited the Lower Umzumkulu, when I saw "Umpugwana," who married "Nontunzi." The former is about 55 or 60 years of age, the latter about 40 years old. Fathers of both formerly belonged to the "Macele" tribe in Zulu country, but removed to Lower Tugela, and finally took up their residence at the Lower Umzumkulu, where "Umpugwana" and "Nontunzi" were subsequently married.

The issue of this marriage were several children, the first born was a girl, "Nomsowana;" she grew up and married, and has eight children; they appear perfectly healthy.

"Landelaba," the second child, a girl, was born with an unusual appearance on feet and hands. No notice was taken of this, but when the child was six or eight months old, blotches appeared on legs and trunk as high as her navel; at same time blotches appeared on hands and arms up to the elbows. As the child grew these blotches increased in size and number, but very gradually; the blotches were dry and scurfy, but did not at first discharge matter. For some time there was no diminution of sensibility in the affected spots; but gradually sensation ceased. After a further time, first one toe at a joint became ulcerated and fell off, then another, until all the toes on both feet were gone. As the toes fell off the wounds healed, but now the whole substance of the feet is rotting away and the girl is very thin. Girls of same age who have married have three children; this would make her about 30 years of age.

The next child was a boy; he has grown up, married, and has one child apparently quite healthy. The next child was a girl "Munia;" when born her hands and feet were discolored, as in case of "Landelaba." With "Munia" the disease followed the same course as in her sister, except that she has lost no toes, but has lost three fingers on each hand, and the remaining fingers and thumb are twisted and contorted; when the fingers rotted off, the stumps remained raw for some time, and even now bleed if the hand is used. The next two children were boys; they appear healthy.

When the second girl "Landelaba" was born, and when leprosy broke out, her grandfather and grandmother were alive. They asserted to the parents that they had never seen such a sickness, nor had ever heard anything similar to it.

I took much trouble to learn whether any syphilitic taint could be in the blood of either father or mother, or grandfather and grandmother, but I am convinced there was not.

There are no white patches on either girl. The odour from these unfortunate girls is most overpowering. The father and mother appear quite healthy.

These people assured me that neither they nor any of their relations had ever had anything to do, directly or indirectly, with the Mapoema or any other affected people.

I heard of several cases of leprosy in Alfred County among the Natives, but could not afford the time to visit them.
Having completed my investigations in Alexandra County, Dr. Thomson having left for England, I requested the Government to appoint a medical gentleman to accompany me to prosecute enquiries in other parts of the Colony, but His Excellency deemed it unnecessary, and after careful consideration, I decided to call the Chief Gayedwa and his Indunas to Pietermaritzburg and take their evidence, as I was aware that leprosy existed in his tribe. Unfortunately this could not be done in the time at my disposal. I therefore requested Mr. Acutt to accompany me to Greytown, where we met the Chief and his headmen. The evidence taken is attached to this report.

I may relate a statement made to me when making general enquiries:

Some years since a married native belonging to the Uluzi Division went to pay a visit to the Mapepeta tribe; he remained there three months, and became enamoured with a girl of the tribe; whether he had actual connection with her, or merely followed the custom of hlobohlo, my informant could not say—probably the latter. The man remained three months on his visit; on the first night after his return to his kraal he had connection with one of his wives; she became enceinte; after a time her husband developed leprosy; before the child was born she, the mother, showed signs of the disease, but until after her confinement it did not make much progress; after that it made rapid strides. Her child, a girl, when born appeared healthy, but in a few months the disease showed upon her. In eleven years from the return of the husband, he, his wife, and child were all of (if my informant's description was correct, of which I have no doubt) tubercular leprosy.

On my return from Greytown it appeared to me needless to go to any other centres of the disease, as the sum at my disposal was not sufficient to enable me to make an exhaustive examination.

We are aware where these points are; and although I am convinced that leprosy is very much more prevalent than was supposed—in fact, it is more than conviction, it is knowledge—I consider that without the assistance of a medical man having experience of the disease, I could not obtain satisfactory evidence, and that the Commission must be content to make its general report on the evidence in its possession.

When in Pietermaritzburg last I learned that leprosy existed to some extent among natives residing in Zwaartkop Location, close to the City, and found on enquiry that such is the case. The Commission will in a few days be in a position to examine such members of the affected tribe as may be desirable.

I wish here to express my thanks to Dr. Tritton, Indian Medical Officer, Umzinto, and to Dr. Birtwell, District Surgeon, Greytown, for the ready and great assistance they have rendered me in my enquiries.

It will now be my duty to say how far I was enabled to carry out the instructions contained in resolution of the Commission, dated April 9th, 1885.

a. With the assistance of Drs. Tritton and Birtwell, I have examined such Natives as my time and opportunity permitted of.
b. In the case of the three families—of Umxibula, Lupusi, and Umngwane—in Alexandra County, I am quite convinced that the disease has developed in the families affected without any actual intercourse having taken place with others so diseased within memory.

c. I consider that the cases mentioned in evidence taken in Umvoti County, are all traceable to the girl of the Mapepeta tribe, that married into that of Amakabelo, which prior to this marriage was free from leprosy.

d. Leprosy has undoubtedly increased in tribes long suffering from the disease; but it has broken out within the past few years at localities far apart, and where it was, until the Commission enquired, not the least suspected.

Where leprosy has increased there can be no doubt that it has done so through sexual intercourse, and further, it appears that a healthy man has contracted the disease by having connection with a woman with leprosy either active or latent.

I cannot account for the disease being carried into the Umlass Location, as related, except by contact or inoculation.

e. The persons afflicted live in the same manner and under similar circumstances as the general Native population.

In each case in Alexandra County the dwellings were on elevations, no unhealthy surroundings; in fact, the conditions were not in a single case such as all authorities appear to consider conducive to the contraction or development of leprosy; these cases have arisen de novo.

f. I could not learn that any birds or animals had contracted leprosy; but a more exhaustive enquiry into this part of the subject would be desirable.

g. The Native doctors have been quite unsuccessful in curing leprosy, and all natives appear to agree that they consider it incurable.

h. It would be impossible to arrive at any conclusion on this point without expending much more time than I had at my disposal.

In conclusion, I may say that I wrote to Mr. Osborne, resident in the Reserve, Zululand; he kindly made enquiries, but could not learn that leprosy was known or had ever been heard of in the Zulu country.

G. A. LUCAS, R.M.,

Chairman.

9th March, 1888.
STATEMENT OF UPANDHLA.

Zwaartkop Location,
County of Pietermaritzburg;
March 11th, 1886.

According to arrangement the Commission on Leprosy assembled at the kraal of Upandhla, Zwaartkop Location, to take evidence of Upandhla and his wife Nobutimba.

Present:
Captain Lucas, Chairman.
Mr. Leonard Acttt.
Dr. Allen.

Upandhla appeared in presence of his wife Nobutimba, and states:—"About the year 1867 (it was before the Marriage Law No. 1, 1889, came into force) I married Nobutimba, a daughter of Manobomoo, under chief Gayede, residing with his people in Umvoti County. I have four children living; one died quite a baby.

First born—Uzishi, a boy.
Second born—Nomatonga, a girl.
Third born—Nemageleka, a girl.
Fourth born—Unnamed, died a baby.
Fifth born—Nomsthangazi, a girl.

My wife was quite healthy when I married her; the disease made no appearance until she was evelute with her third child Nomageleka.

At first a copper-coloured spot appeared on her chest, and from that spread all over her body; soon her hands began to swell, shortly after breaking into sores, which had no sensation, one of her toes became ulcerated, and finally fell off. Leprosy first made its appearance on her chest twelve years ago, seven years after I married her. Nomageleka was born quite healthy, and is so to this day.

Nomatonga, my second child and eldest daughter, was born without spot or blemish; she is not yet a woman. About three years ago I noticed a swelling and discolouration above her left eye, soon large yellow or copper-coloured patches appeared on her back and spread as they are now.

Up to the present I can see no signs of the disease on any of my other children, and I watch them carefully.

My wife is no relation whatever to Umkanya, or any of the family (Umkanya's) in Gayede's tribe. My wife is a connection by marriage only—her sister married Umkanya's son. I know the people of my wife's kraal to this day: there is no sign of leprosy among them; my wife's mother is alive, and she is perfectly healthy.

My wife's sister, who married Umkanya's son, has not contracted the disease, but her second child died of leprosy just as she arrived at puberty; her eldest son is healthy, and lives in Pietermaritzburg.

My wife's father lived in a kraal close to that of Umkanya; but there is most certainly no blood relationship between my wife and Umkanya, or any other family afflicted with leprosy.

I have never had a sign of leprosy on my body.
I have three wives, besides Nobutumba; they and their children are perfectly healthy.

When the disease broke out on my wife, I knew what it was. I had seen it in Umkanya's kraal. My idea is that the disease is not hereditary, but is communicated by sexual intercourse. I do not mean that if any person who has the disease has sexual connection with a person who is free from it, that some of the progeny resulting from the intercourse may not acquire the disease; but I do not think it will be handed down in the blood. We know how leprosy originally got into Umkanya's kraal—by a man taking the wives of his cousin, who had lived in the Mapepeta tribe, to raise up seed to his cousin's house.

My wife's lover before she married me was Wohlo, a brother of Gayedé, their grandmother is still alive; she has leprosy, but she did not contract the disease until after the birth of Gayedé and Wohlo; she contracted it by having sexual connection with a man who had the disease.

As I said before, my wife is no blood relation to any people afflicted with leprosy. In my opinion she got the disease from having connection (hlobongo) with Wohlo, her lover.

It may be, however, that she contracted the disease thus: When my wife's sister married Manyosi, son of Umkanya, Jantje, who lives in Zwaartkop Location, and who had married a daughter of Umkanya (Jantje's family by this woman are lepers) was at the wedding; he then and there doctored the people of Umkanya's kraal, also my wife; he made a small incision in my wife's chest and introduced some medicine—having done the same to Umkanya's people—he did not wash his hands, and I think some of the blood of Umkanya and his people and family may have got into the wound made in my wife's chest—it is certain that the first leprous spot which showed on my wife was around the scar of this wound.

Nobutumba agreed as to the correctness of what her husband stated.

G. A. LUCAS, R.M.,
Chairman.

STATEMENT OF U'JANTJE.

Pietermaritzburg, March 13th, 1888.

Present: Captain Lucas, Chairman,
Dr. ALLEN.

Appeared U'Jantje, tribe of Usendela, Zwaartkop Location, and states:—

I live near the Umsundusi River, on the edge of Zwaartkop Location. I have one son who has had leprosy; he has lost one little toe and part of the big toe on the other foot; the disease has left him now. I married a girl, his mother, named Nonguila, daughter of Mankanya, of the Makebele tribe, in Umvoti Country. Umkanya died of leprosy. I had by this marriage four children—1st, a girl, Nogoentana; 2nd, a boy, Pemi; 3rd, a boy, Umhlaga; 4th, a girl, Umguku.
My first child, Nogoentana, died of leprosy; my second child, Poni, is alive, and has nothing the matter with him; the third child, Umhlaga, died of leprosy; and the fourth child died of leprosy.

The first child did not show any sign of the disease until she arrived at puberty. Her one finger and one toe ulcerated, and then decay began. She lost her feet and her hands, and then she died. Discoloured patches appeared on different parts of her body; these were of a copper colour; her healthy skin was dark. She suffered from disease about five years before she died.

The third child showed leprosy as soon as she was weaned. First a little finger on one hand, and then a finger on the other hand became ulcerated at the joints, then her body became covered with sores; in three years she died.

The fourth child showed leprosy when he was between five and six years old. He was herding calves. The disease first showed in one little finger; that fell off, and then his arms became covered with sores, which spread to his legs and feet. The feet rotted off, also his hands. He died in about six years from first appearance of the disease.

This woman left me in 1874. She married a man of the Mamesi tribe, Lower Tugela Division. Up to the time she left me she showed no signs of leprosy. She has three children by her new husband. I do not know his name. He was a Tonga who married her. She went from me back to her father Umkanya, from where she married this man. I hear the three children are all healthy. The woman was my second cousin. I ran away with her. I am an Iyanga; so was she. I ran away with her because her father would not have allowed me to marry my cousin. My mother was Monolala; girl's name Nomakeli. She was a daughter of Nolala (Nolala was Umkanya's, and my grandfather), whose father was Bulugela, who was great-grandfather to Umkanya. Umkanya was my first cousin. Umkanya went to the Mapepeta tribe, where a cousin of his died. The women of his cousin were not taken to raise up seed by Umkanya. Umkanya went to doctor Undebeni, a brother of the deceased man.

My father was Nogcagula, he was one of the Mapepeta; he moved up from the Umgeni, in Inanda Division, to Pietermaritzburg County; at the time my father died leprosy had not made its appearance in the Mapepeta or anywhere else in the Colony. The first time the disease appeared was when a Police Force (Native) was formed (1847), the same year Langalabala came into the Colony from Zululand. The first case in the Mapepeta was a son of Chief Umnyegwa, named Bafakee. Bafakee got engaged to a girl named Tala, daughter of Umpongwaana of Tahangala's tribe, which resided near Umvoti. Bafakee's father, Umnyegwa, turned the girl out of his kraal, and refused to allow her to marry his son. Umpongwaana threatened Bafakee and his father. The next morning a fire was seen in some rocks, we went to look the next day as we had heard crying at the fire, we found medicine had been burned in the fire, and that Sata had washed herself with mosses, as is the custom after a girl had been turned out of a kraal the day after we saw the smoke, Bafakee's eldest brother, Muse, got sick, and leprosy broke out in his fingers, and in four years he died. Bafakee took up his brother's wives to raise up seed; he took leprosy and died in a year after, five years from when
we saw the fire. I saw the fire myself, as after my father died I went to pay a visit to my father's people, and this all happened when I was at the Mapepeta; all the people believe that the disease was the revenge of Umpongwana, because his daughter had been turned out of the kraal. Bafakee’s eldest brother, Madigani, had no children, but he got leprosy from the fire, and gave it to the woman his wife, and Bafakee caught it from her; she had one child by Bafakee, which died of leprosy. Bafakee died, the woman then left, and returned to her own people Umzimba’s tribe. She married a man near Edendale; she has children, which I hear are healthy, she is quite healthy.

The Commission will sit again at 10 o’clock on the 15th instant.

G. A. LUCAS, R.M.,
Chairman.

March 16th, 1886.

Umqeto states: —I belong to the Chief Jantje, Umqundana tribe, Amixumba, in Maritzburg County.

This man repeats the story of the disease in the Amapepeta tribe, and it is told that leprosy exists in the country. That a young man, Yiwa, who was quite healthy until he assisted to bury Tebeni, the disease did not appear for some years after the burial of Tebeni. He said nothing of having the disease, and after a time he bought clothes and a house, and went first to Swazi country to look for a doctor. He then went to Sotsangana’s people above Delagoa Bay. When he returned several of his toes and fingers had gone. He went to Bushman’s River and died. I am a first cousin of Yiwa, and I was related to Tebeni.

G. A. LUCAS, R.M.,
Chairman.

STATEMENT OF UJANTJE.

Pietermaritzburg, March 15th, 1886.

Present:
Captain Lucas, Chairman.

Dr. James Allen.

Ujantje recalled:

Evidence continued states: —I told the Commission on Saturday that one of my sons named Utiya had leprosy, and I have brought him to-day. His mother is alive. Her name is Mambebezulu. She is a daughter of Bebezola, of the Manyuswa tribe. Her mother belonged also to the Manyuswa tribe. There is no connection between my wife or her mother with the Mapepeta tribe, but my wife’s father married a girl from the Mapepeta tribe.

Bebezola has not contracted the disease. None of Bebezola’s children by the Mapepeta girl have contracted the disease. When my son Utiya was very young I lent him to my elder brother Umtebeni to herd goats, who was living in the Mapepeta tribe. He died of leprosy. Umtebeni was the man whose widows were said to have given the disease to Umkanya. He did not ungena the widows; I did. Umkanya may have had surreptitious connection with them, but I do not know that he did. I was living among the Mapepeta
people when I sent my son to Bebezele. My son had been three years with Bebezele when the disease broke out on him. He had been doctor by a native doctor, but I cannot say whether the doctor cured him or whether the disease went away of itself. The disease left him when he became of the age of puberty.

Utya states:—The leprosy first showed in copper-coloured spots, then one toe fell off my left foot and part of my big toe on same foot, it left me then, my hands became as they are now. I never had any connection with any girl in the Mapepeta tribe, I was too young; I did not sleep under the same blankets with any girl who had leprosy. The boys of Undebeni had no disease, the girls had. I believe I got it from food—my auntie, who had the disease, used to leave me food in his own dish—I ate it and got the disease.

Jantje states:—I had had two daughters by one of my brother’s widows, that Ingane, and one son by another widow. I left the Mapepeta and went to where I live now—on the Umzundusi, near Pietermaritzburg—leaving the women behind. I saw the children and their mothers this year; they are quite healthy.

On Saturday I forgot to say that Bafakee’s father died of leprosy after Bafakee had died.

G. A. LUCAS, R.M.,
Chairman.

Manyosi states:—I did belong to the Mapepeta tribe, but have lived elsewhere for some years. I know of the disease leprosy in the Mapepeta tribe, but I was under the impression that the disease was not communicable by sexual connection. I considered that if a leprous man married a healthy girl with no leprous stain in her blood, and the husband died of leprosy, and if his brother married her, he, the brother, would also die of the disease; but if the widow married an outsider he would not be affected. I therefore said that I did not think it was transmissible through sexual connection, but Makongolo’s facts upset my theory.

G. A. LUCAS, R.M.,
Chairman.

Makongolo states:—I know of a case that proves the contrary to Manyosi’s theory. I know a man named Mahinyana, who was born in the Qwabi tribe, and is now living, or was lately in Umguni’s tribe; he had two brothers living with him in one kraal; no leprosy had shown itself amongst them; he married a girl from the Mapepeta tribe, in whom also no appearance of the disease was seen; it broke out in this girl, then in her husband, his brothers, his other wives, and her children. I do not know whether the Mapepeta girl had any children; this girl was the second wife, and had been married several years, I do not know how many, before the disease broke out; several of the kraal have died; I do not know who. I know that Mahinyana, that is to say I am convinced that he had no relationship whatever with any of the Mapepeta tribe, he was not even born in the Qwabi tribe, he bought himself to it, and had no relationship to anybody in the tribe. I know of another case. Makale, brother to Chief Umguni, married a girl from the Mapepeta tribe, who died of leprosy. Makale died after her in about a year,
but not from leprosy. There were no children except a girl, who is alive and apparently healthy, but all this has taken place within the last ten years. The wife died three years ago, the husband last year. The Mapepete girl had, before she married Makale, been married to his elder brother, who died, but not from leprosy, and the disease did not appear until she had been married some time to Makale.

G. A. LUCAS, R.M.,

Chairman.

Uluzindela called, states:—I am chief induna to the Secretary for Native Affairs, Natal, I am great-uncle to Geyede, chief of the Amakasela tribe, living in Umvoti County. Geyede gave his evidence, I hear, at Greytown, on the 9th February last. In the year 1865, when Sir Theophilus Shepstone and Captain Lucas were at Oliver’s Hook, at that date I often saw Mankanya at the kraal of my chief. There was nothing the matter with him then. The first time I heard that he was attacked by leprosy was when Mr. John Shepstone relieved Mr. Windham as Resident Magistrate in Greytown, Umvoti County. This was in 1867.

G. A. LUCAS, R.M.,

Chairman.

EVIDENCE OF SIR THEOPHILUS SHEPSTONE,
K.C.M.G.

Pietermaritzburg, March 16th, 1886.

By the Chairman:

Q. You were, I think, Secretary for Native Affairs for many years in Natal, and were intimately acquainted with the condition of the Native population.

A. Yes, for thirty-one years, and for some years I had to manage the whole of the Native tribes without assistance.

Q. Did you know that leprosy existed among them?

A. I knew that it existed in one tribe only, that of the Amapeteta.

Q. Can you tell the Commission where the disease first showed itself in that tribe?

A. The people themselves say that its first appearance was after 1843, and the first death from it, that of the chief’s eldest son Bafakee, occurred after my arrival in the colony
in 1846, since which it has spread slowly but surely among
the tribe, and was for many years looked upon by the other
natives as a local and tribal affliction, the introduction of
which they attributed, and still continue to attribute, to the
action of witchcraft instigated by revenge for the refusal of
the Amapepeta Chief to permit his son to marry a particular
girl belonging to another tribe.

Q. Has it since spread from the Amapepeta tribe, and by
what means?

A. For many years it was not known to have spread to
any other tribe, and it is only within the last ten or fifteen
years that I know of its having done so. I find, however,
that it has established itself in a good many localities, some
near and others a long distance from the tribe where it first
broke out. As regards those cases in the nearer neighbour-
hood of the first infected tribe the Natives profess to be able
and apparently with good grounds, to trace the breaking
out of the disease to intermarriage or personal contact.
The details of some of the cases described by them are,
however, so contradictory, that nothing except a most
searching enquiry by the Commission into every typical case
will, I think, render it possible to adopt any practical theory
on the subject. On the other hand, its first outbreak is of
such comparatively recent date, and its ramifications are so
easily traceable and appear to be making such rapid strides
that I think it would be a great loss to the country and to
humanity if the opportunity afforded by these facilities were
not fully taken advantage of at any cost, and facts collected
sufficient to serve as a warning to both the European and
Native population of this Colony.

Q. Can you suggest any course to the Commission which
would, in your opinion, best enable them to do this?

A. I should suggest that the enquiries of the Commission
should begin among the tribe that first suffered from the
disease and have shown its outbreaks elsewhere, with the
special circumstances connected with each case, and then
verify the testimony of the infected tribe by an equally
searching enquiry into the circumstances of outbreaks in
other tribes, the origin of which is attributed to the
Amapepeta people, or to other causes. I think that the
marriage registrations in the office of the Secretary for
Native Affairs would be of use to the Commission, because
they could show to whom and into which tribes girls of the
Amapepeta tribe have been married. It is known that a
large majority of the Amapepeta are not, and never have
been infected by leprosy, and therefore care would be
necessary to discriminate between girls belonging to infected
families and such as belong to those who are not.

G. A. LUCAS, R.M., Chairman.

28th July, 1886.
### ANNEXURE “A.”

**RETURN OF CASES OF LEPROSY REPORTED IN NATAL.**

<table>
<thead>
<tr>
<th>Name of Informant</th>
<th>Informant’s District</th>
<th>Name of Leper</th>
<th>Leper’s place of abode</th>
<th>Name of Chief or Tribe</th>
<th>Headman of Kraal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. Hyde</td>
<td>Ladysmith</td>
<td></td>
<td>Ulandi</td>
<td>Ncambati</td>
<td>Ungolo</td>
</tr>
<tr>
<td>P. Paterson, R.M.</td>
<td>Weenen County</td>
<td></td>
<td>Emmaas M. Stn.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Ritter, A.N.I.</td>
<td>Upper Tugela</td>
<td></td>
<td>Sifuba</td>
<td>Lugapi</td>
<td></td>
</tr>
<tr>
<td>J. O. Jackson, A.N.I.</td>
<td>Polela</td>
<td></td>
<td>Kusyo</td>
<td>Ramuncana</td>
<td></td>
</tr>
<tr>
<td>J. C. Chadwick, R.M.</td>
<td>Lion’s River</td>
<td></td>
<td>Mankububuka</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Ulutubezi</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Umkonoxi</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Prociwto’s Farm</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Maritzburg</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Dr. Von Mengershausen</td>
<td>Howick</td>
<td></td>
<td>Fannin’s Farm</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Fannin’s Farm</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Umvoti County</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Gayedo, Native Chief</td>
<td>Umvoti County</td>
<td></td>
<td>Zwaartkop</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Nobutumba</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Nomageleka</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Mabebubaga</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Utiya</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Jantje Umqudana</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Uthwajibe</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Dr. Ward</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>J. Forder, R.M.</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>W. Y. Campbell</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Dr. Addison</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Dr. Tritton</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>A. W. Pigg</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>W. R. Gordon</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Dr. Truenor</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Makhotshand, Native Chief</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
<tr>
<td>Ditto</td>
<td>Do.</td>
<td></td>
<td>Do.</td>
<td>Do.</td>
<td></td>
</tr>
</tbody>
</table>

- **Makhotshand, Native Chief**
- **Ditto**
- **Dr. Truenor**
- **Makhotshand**
- **Ditto**
- **Tahaki Ogle**
- **Makhotshand**
- **Ditto**
- **Dr. Truenor**
- **Makhotshand**
APPENDIX C.

INDIAN IMMIGRANT SCHOOL BOARD.

(See Report, pp. 73-74.)

REVENUE AND EXPENDITURE.

"The Indian Immigrant School Board shall have power to administer such sums of money as may be voted, from time to time, by the Legislative Council for the purposes of the education of children of Indian parents." (Sec. 3 of Law No. 20, 1878.)

The only sum at the disposal of the Board was £1,500 "Grant, Indian Education," voted by the Legislative Council for the year 1886.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector's Salary and Travelling Allowance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Travelling Expenses of Members and Secretary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sixteen Teachers and Pupil Teachers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rent, Tangaat Board School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repairs and Improvements to Buildings, &amp;c.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stationery, Books, Prizes, and Petty Expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants in Aid</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colonial and Indian Exhibition</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing Annual Report for 1885</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total                                             | £1,499 19 9

The Board held eight meetings during the year 1886. The Inspector's Report on the condition of Indian Schools is appended.

W. BROOME,

Secretary to the Indian Immigrant School Board.

March 23rd, 1887.

REPORT ON INDIAN SCHOOLS FOR 1886.

Durban, Natal,
January 25, 1887.

Sir,—I have the honour to submit my Annual Report on the Indian Schools of this Colony for the Year 1886.

2. During 1886 Twenty-seven Schools have been under inspection, which are thus classified:

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Schools</td>
<td>3</td>
</tr>
<tr>
<td>Aided</td>
<td>23</td>
</tr>
<tr>
<td>Private Adventure</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
</tr>
</tbody>
</table>

The Board Schools are maintained entirely at the Board's expense. The Aided Schools are in receipt of grants ranging from £18 to £50. The Private Adventure School was without a grant.
3. Table shewing the topographical distribution of the Schools and the number of scholars:

<table>
<thead>
<tr>
<th>Locality</th>
<th>Number.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Schools</td>
</tr>
<tr>
<td>Durban (Town)</td>
<td>4</td>
</tr>
<tr>
<td>&quot; (County)</td>
<td>13</td>
</tr>
<tr>
<td>Victoria</td>
<td>7</td>
</tr>
<tr>
<td>Alexandra</td>
<td>2</td>
</tr>
<tr>
<td>Pietermaritzburg (City)</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>27</td>
</tr>
</tbody>
</table>

4. Table shewing the number of Schools, number of Scholars on Roll, and the annual increase during the past four years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Board Schools</th>
<th>Aided Schools</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Schools</td>
<td>Scholars</td>
<td>Increase</td>
</tr>
<tr>
<td>1882</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>1883</td>
<td>1</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>1884</td>
<td>3</td>
<td>203</td>
<td>163</td>
</tr>
<tr>
<td>1885</td>
<td>3</td>
<td>205</td>
<td>2</td>
</tr>
<tr>
<td>1886</td>
<td>3</td>
<td>184</td>
<td>...</td>
</tr>
</tbody>
</table>

* The Private Adventuerc School is included here for convenience sake.

5. Three new Schools have been opened during the year, viz.:—Pinetown, Clairmont, and Montpellier. More would have been attempted had funds been available, but it will ever be impossible to follow the Indians to all the little centres of population which they create for themselves. The estimated number of children of school age—boys and girls—is a little over 2,000.
6. Table showing the condition of Indian Schools during 1886:

<table>
<thead>
<tr>
<th>No.</th>
<th>SCHOOL</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
<th>Left School</th>
<th>Present Last Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Durban Board School</td>
<td>63</td>
<td>8</td>
<td>71</td>
<td>31</td>
<td>46</td>
</tr>
<tr>
<td>2</td>
<td>Umgesi</td>
<td>55</td>
<td>13</td>
<td>65</td>
<td>38</td>
<td>24</td>
</tr>
<tr>
<td>3</td>
<td>Tongaat</td>
<td>47</td>
<td>1</td>
<td>48</td>
<td>18</td>
<td>29</td>
</tr>
<tr>
<td>4</td>
<td>Railway</td>
<td>70</td>
<td>15</td>
<td>85</td>
<td>57</td>
<td>38</td>
</tr>
<tr>
<td>5</td>
<td>Durban (Mr. Troughton)</td>
<td>135</td>
<td>34</td>
<td>169</td>
<td>76</td>
<td>95</td>
</tr>
<tr>
<td>6</td>
<td>Sydenham</td>
<td>49</td>
<td>5</td>
<td>54</td>
<td>17</td>
<td>28</td>
</tr>
<tr>
<td>7</td>
<td>Prospect Hall</td>
<td>39</td>
<td>4</td>
<td>43</td>
<td>15</td>
<td>27</td>
</tr>
<tr>
<td>8</td>
<td>Avoca</td>
<td>56</td>
<td>7</td>
<td>63</td>
<td>21</td>
<td>20</td>
</tr>
<tr>
<td>9</td>
<td>Blackburn</td>
<td>55</td>
<td>6</td>
<td>61</td>
<td>45</td>
<td>15</td>
</tr>
<tr>
<td>10</td>
<td>Verulam</td>
<td>51</td>
<td>2</td>
<td>53</td>
<td>25</td>
<td>6</td>
</tr>
<tr>
<td>11</td>
<td>Island</td>
<td>35</td>
<td>15</td>
<td>50</td>
<td>34</td>
<td>18</td>
</tr>
<tr>
<td>12</td>
<td>Wentworth</td>
<td>24</td>
<td>5</td>
<td>29</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>13</td>
<td>Umbilo (Mr. Troughton)</td>
<td>38</td>
<td>14</td>
<td>52</td>
<td>44</td>
<td>16</td>
</tr>
<tr>
<td>14</td>
<td>Isipingo</td>
<td>64</td>
<td>3</td>
<td>67</td>
<td>38</td>
<td>21</td>
</tr>
<tr>
<td>15</td>
<td>Umzinto</td>
<td>55</td>
<td>11</td>
<td>66</td>
<td>19</td>
<td>38</td>
</tr>
<tr>
<td>16</td>
<td>Equita</td>
<td>52</td>
<td>52</td>
<td>52</td>
<td>28</td>
<td>17</td>
</tr>
<tr>
<td>17</td>
<td>Pinetown</td>
<td>21</td>
<td>22</td>
<td>43</td>
<td>29</td>
<td>9</td>
</tr>
<tr>
<td>18</td>
<td>Pietermaritzburg (Dean Green)</td>
<td>88</td>
<td>29</td>
<td>117</td>
<td>65</td>
<td>46</td>
</tr>
<tr>
<td>19</td>
<td>Durban (Mr. Stott)</td>
<td>35</td>
<td>24</td>
<td>59</td>
<td>37</td>
<td>20</td>
</tr>
<tr>
<td>20</td>
<td>Point</td>
<td>41</td>
<td>16</td>
<td>57</td>
<td>30</td>
<td>23</td>
</tr>
<tr>
<td>21</td>
<td>Clare</td>
<td>35</td>
<td>7</td>
<td>42</td>
<td>8</td>
<td>27</td>
</tr>
<tr>
<td>22</td>
<td>Springfield</td>
<td>42</td>
<td>2</td>
<td>44</td>
<td>20</td>
<td>22</td>
</tr>
<tr>
<td>23</td>
<td>Bridgford</td>
<td>44</td>
<td>4</td>
<td>48</td>
<td>21</td>
<td>23</td>
</tr>
<tr>
<td>24</td>
<td>Umbilo (Mr. Stott)</td>
<td>56</td>
<td>2</td>
<td>58</td>
<td>33</td>
<td>18</td>
</tr>
<tr>
<td>25</td>
<td>Clairmont</td>
<td>51</td>
<td>5</td>
<td>56</td>
<td>40</td>
<td>14</td>
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</table>

Total ... 1,428 274 1,702 866 696

Note.—Expenditure on the Board Schools include actual and estimated rental of School Buildings ... £220 10 0
Do. Durban School (Mr. Troughton) includes accruals from 1885 ... 2 0 0
Do. Verulam ... 2 0 0
Do. Point ... 3 15 0
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<tr>
<th>Average Attendance</th>
<th>Free Scholars</th>
<th>Expended by Board</th>
<th>Rate of Fees</th>
<th>Amount of Fees Collected</th>
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<td>£ s. d.</td>
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<td>3d. to 6d.</td>
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<td>31 15 2</td>
<td>6d.</td>
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<td>3d. to 6d.</td>
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<td>2 10 6</td>
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<td>2 12 6</td>
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<td>0 10 0</td>
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<td>1 9 6</td>
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<td>35</td>
<td>66</td>
<td>46 6 11</td>
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<td>14</td>
<td>52</td>
<td>43 6 11</td>
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<td>3d. to 6d.</td>
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<td>3d. to 1s.</td>
<td>2 15 9</td>
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<td>22 7 11</td>
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<td>Ditto</td>
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<tr>
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<td>616</td>
<td>1,195 9 11</td>
<td>...</td>
<td>82 16 6</td>
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</table>
7. So far as I can learn, the parental opposition to education is decreasing. But the novelty of the thing having worn off, and real work being required as we advance, the boys have lost some of the zeal with which they started. The teacher must be active and energetic who collects a large number of pupils and keeps them fairly regular in their attendance.

8. The table shows the attendance in Board and Aided Schools during 1886:—

<table>
<thead>
<tr>
<th>Schools</th>
<th>Number on Roll</th>
<th>Comparison with 1885</th>
<th>Average Attendance</th>
<th>Increase over 1885</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Boys</td>
<td>Girls</td>
<td>Total</td>
<td>Increase</td>
</tr>
<tr>
<td>Board</td>
<td>165</td>
<td>19</td>
<td>184</td>
<td>...</td>
</tr>
<tr>
<td>Aided</td>
<td>1,263</td>
<td>255</td>
<td>1,518</td>
<td>243</td>
</tr>
<tr>
<td>Totals</td>
<td>1,428</td>
<td>274</td>
<td>1,702</td>
<td>243</td>
</tr>
</tbody>
</table>

9. The number of scholars on roll is 1,702, against 1,480 in 1885; the average attendance for the year being 664, or about 80 per cent. of the actual working number on roll.

10. It will be observed that the attendance at the Board Schools has decreased by 21. The average attendance, however, remained at the same figure as in 1885, viz., 93. As a further set off the attendance at Aided Schools was greater by 243 than in the previous year, the average attendance also showing an increase of 88.

11. The attendance includes every scholar on roll at any time during the year. The average attendance of each School is found by adding together the whole of the registered attendances and dividing the total by the number of school days in the year. The sum of the separate averages constitutes the average attendance for all the schools.

12. The number of girls who attend school is increasing by degrees. It was 274 against 223 in 1885. I had great hope of the establishment of a Girls’ School in Durban last year under the management of the Roman Catholic Mission; but the inability of the Board to give the requisite assistance has caused the scheme to be postponed for a time. I attach great importance to the provision of schools, specially for girls.
13. The table shows the number and classification of the scholars who have left school during the year:

<table>
<thead>
<tr>
<th>School</th>
<th>Beginners</th>
<th>R.</th>
<th>R.W.</th>
<th>R.W.A.</th>
<th>Total</th>
<th>Number in 1885</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board</td>
<td></td>
<td>45</td>
<td>19</td>
<td>14</td>
<td>9</td>
<td>87</td>
</tr>
<tr>
<td>Aided</td>
<td></td>
<td>501</td>
<td>131</td>
<td>78</td>
<td>69</td>
<td>779</td>
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<tr>
<td>Total</td>
<td></td>
<td>546</td>
<td>150</td>
<td>92</td>
<td>78</td>
<td>866</td>
</tr>
</tbody>
</table>

(1.) Alphabet and Primer.

(2.) Read First Royal Reader, and write on slate.

(3.) Read Second Royal Reader, and write copies.

(4.) Read Third Royal Reader, write Dictation, and work at least the first four rules of Arithmetic.

The bigger boys do not generally remain more than two years in the Schools.

14. The work of the schools has been tested by an examination held in November and December last, according to the Schedule of Standards adopted by the Council of Education in January, 1882, and the simpler First Standard of the Mauritius Grade Schools (See Annexure A).
15. Table showing the Passes made in the Four Standards:

<table>
<thead>
<tr>
<th>No.</th>
<th>School</th>
<th>Number.</th>
<th>Passes in Reading.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Durban Board</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>2</td>
<td>Umgeni</td>
<td>32</td>
<td>28</td>
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<tr>
<td>3</td>
<td>Tongaat</td>
<td>31</td>
<td>29</td>
</tr>
<tr>
<td>4</td>
<td>Railway</td>
<td>40</td>
<td>35</td>
</tr>
<tr>
<td>5</td>
<td>Durban (Mr. Troughton)</td>
<td>96</td>
<td>95</td>
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<tr>
<td>6</td>
<td>Sydenham</td>
<td>35</td>
<td>29</td>
</tr>
<tr>
<td>7</td>
<td>Prospect Hall</td>
<td>28</td>
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<tr>
<td>8</td>
<td>Avoca</td>
<td>32</td>
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<td>9</td>
<td>Blackburn</td>
<td>18</td>
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<td>10</td>
<td>Verulam</td>
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<td>6</td>
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<tr>
<td>11</td>
<td>Island</td>
<td>31</td>
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<td>12</td>
<td>Wentworth</td>
<td>32</td>
<td>8</td>
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<td>Umbilo</td>
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<td>14</td>
<td>Isipingo</td>
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<td>Point</td>
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<td>Umbilo (Mr. Stott)</td>
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<td>26</td>
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<td>Montpellier</td>
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</tr>
</tbody>
</table>

**Total** | **797** | **670** | **330** | **22** | **40** | **79** | **96** | **68** |

*Note.—No examination held at Equifa and Pinetown. Rain in the former case, and the absence of pupils who had been prepared for examination in the latter, having prevented it. Montpellier School was closed before the date fixed for examination.*
<table>
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<th>III</th>
<th>II</th>
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<th>IA</th>
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</table>
16. It will be seen from the above that of 797 on roll there were 670 present and 330 examined. So that out of a possible 990 passes 851 or 85 per cent. were gained. The employment of the Mauritius First Standard of the Second Grade has greatly swelled the number of passes, but 63 were in Standard IV. Grammar and Geography were weak—a reflection of the teacher's own weakness in these subjects. Reading, Recitation, Writing, both Dictation and Copies, and Arithmetic, were eminently satisfactory on the whole.

17. No school has been wholly unsatisfactory during this year, although some have not been able, for various reasons, to show equally good results with the others, and there is room for improvement in many respects.

18. I can speak with unqualified praise with regard to the three Board Schools. The greatest pains have been taken by the teachers, and the result has been very good.

19. The Railway School has done exceedingly well.

20. The Durban School (Mr. Troughton) has the largest attendance. It is the only school in which sewing and singing are systematically taught. A Drawing Class has also been formed during the past year by Miss Burges, a certificated Kensington Art Student, who finds "the boys show unusual aptitude "for drawing, both for freehand and the life." The scholars acquitted themselves well in the examination. This school receives more supervision and attention generally than any dozen others.

21. To the Sydenham, Prospect Hall, Umzinto, Pietermaritzburg (Dean Green), Bridgetford and Pietermaritzburg (Father Barret) Schools, much credit is also due. And, in a less degree, to Blackburn, Isapingo, and Umbilo (Mr. Stott).

22. Verulam has been unfortunate, having lost its more advanced scholars through a change of teachers in August last. Salisbury Island and Pinetown Schools, too, have suffered through the removal of Indians from their neighbourhood.

23. Avoca, Equita, and Clare Schools, after sinking to a very low ebb, have been galvanised into fresh life by the exertions of their present teachers.

24. Umbilo (Mr. Troughton) has not made much progress. Wentworth, Durban (Mr. Stott), the Point, Springfield and Clairmont Schools are the least commendable.
25. Montpellier School has been closed, the Board being unable to make a grant in aid.

26. His Excellency Sir Arthur Havelock visited the Durban Board School, and the Durban School (Mr. Troughton) in June last, at my request, and was pleased with what he saw, and the answers given by the scholars to his questions. The heat and over-crowding of the rooms did not escape His Excellency's notice. The unsavory and apparently unhealthy situation of the Board School was also remarked. Occasional visits from Members of the Board would be gratifying to the teachers, and would have their due effect upon the scholars.

27. Table showing the cost of Board and Aided Schools during the past four years, and the cost per head of scholars:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>VOTE</th>
<th>EXPENDITURE</th>
<th>BOARD SCHOOL FEES</th>
<th>NUMBER ON ROLL</th>
<th>COST PER HEAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1883</td>
<td>£1,550</td>
<td>£1,088 10 5</td>
<td>£1 7 6</td>
<td>£1,011</td>
<td>£1 1 7</td>
</tr>
<tr>
<td>1884</td>
<td>£2,000</td>
<td>£1,476 3 3</td>
<td>£16 5 6</td>
<td>£1,371</td>
<td>£1 1 4</td>
</tr>
<tr>
<td>1885</td>
<td>£1,500</td>
<td>£1,461 4 3</td>
<td>£26 18 10</td>
<td>£1,480</td>
<td>£0 19 5</td>
</tr>
<tr>
<td>1886</td>
<td>£1,500</td>
<td>£1,499 19 9</td>
<td>£19 1 9</td>
<td>£1,702</td>
<td>£0 17 8</td>
</tr>
</tbody>
</table>

28. The amount of Fees collected at the Board Schools is less this year than last owing to the admission at half rates of all members of the same family, and the free admission of all beginners for six months, as recommended in last year's Report. The number of Free Scholars on the Roll is 60. The children of Free Indians pay sixpence, those of Indented Coolies threepence a month. These fees are paid into the Colonial Treasury, and form part of the General Revenue.

29. The amount paid as fees by the scholars at Aided Schools is £63 14s. 9d., against £88 14s. 9d. for the preceding year. These fees are retained, as a rule, by the teachers. The Umzinto and Equifa Schools are still the only ones at which no fees at all are paid.
30. Table showing Expenditure on the Three Board Schools during 1886:—

<table>
<thead>
<tr>
<th></th>
<th>DURBAN.</th>
<th>UMGENI.</th>
<th>TONGAAT.</th>
<th>TOTAL.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers</td>
<td>£ 56 9 6</td>
<td>£ 57 10 0</td>
<td>£ 60 0 0</td>
<td>£ 173 19 6</td>
</tr>
<tr>
<td>Pupil Teachers</td>
<td>£ 4 5 0</td>
<td>£ 3 0 0</td>
<td>£ 3 10 0</td>
<td>£ 10 15 0</td>
</tr>
<tr>
<td>Actual and Estimated Rental</td>
<td>£ 60 0 0</td>
<td>£ 48 0 0</td>
<td>£ 21 10 0</td>
<td>£ 129 10 0</td>
</tr>
<tr>
<td>Repairs and Improvements</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Furniture, Books, Stationery, Prizes, and Petty Expenses</td>
<td>£ 4 13 10</td>
<td>£ 2 15 6</td>
<td>£ 4 5 6</td>
<td>£ 11 14 10</td>
</tr>
<tr>
<td>Totals</td>
<td>£ 125 8 4</td>
<td>£ 111 5 6</td>
<td>£ 89 5 6</td>
<td>£ 325 19 4</td>
</tr>
</tbody>
</table>

The inclusion of the estimated rental of the Durban and Umgeni Schools, which are the Board’s property, gives £1 18s. 6d. as the average cost per head of the scholars at these schools.

31. The three chief wants of the Schools now are three in number:—

- More Trained Teachers.
- More Supervision.
- More Space.

32. At the end of the year there were 26 Teachers, one Assistant Teacher, and 13 Pupil Teachers, making a total of 40 of all grades. Annexure B gives some particulars regarding the Teachers.

33. The need for trained men for this work becomes more urgent each year as we advance in Standards. I see nothing for it but the employment of young men upon their leaving the Government Schools if we are to make any real progress. Were appointments offered to those who obtain “Certificates of Merit,” I have no doubt that some would be found willing to spend a year or two in a position which would afford the much to be desired opportunity for increased culture of the mind before settling down to their proper callings.
34. The remuneration would need to be on a somewhat more liberal scale than at present. In this place it is proper to point out that £20, the amount adopted by the Board as its minimum grant in aid, might with advantage be increased to £24. No man who respects himself will accept the post of teacher for less than £2 a month. If he does, it is a *pis aller*, and he will leave as soon as possible. It is well known to the Board that the schools are dependent for existence upon the grants they receive.

35. I again beg to recommend the adoption of the system of part payment by results. Experience is universally in favour of this system.

36. The Teachers have suffered a great disappointment through the inability of the Board to grant the bonus promised to them at the beginning of the year, the prospect of which, doubtless, incited them to increased exertions. I trust that this will not be lost sight of when the financial depression under which the Colony has been labouring shall have passed away. The grants in aid for 1887 have also been reduced 25 per cent.—ten of the schools receiving the £20 minimum.

37. I fear we have to look forward in consequence to a period of retrogression, the more to be deplored that the total saving effected under this head does not exceed £200.

38. The Pupil Teachers employed during the year have been of great use. In three cases it has been deemed expedient to increase the remuneration allowed from 5s. to 10s. a month.

39. Supervision.—I regret the necessity for reverting to this subject, but more than one of the schools has remained unvisited by its Manager for several months at a time. I think it is not unreasonable to expect more vigilance from the recipients of public money. I therefore called the Board’s attention to the matter in September last, and requested that the Managers should be required to send in a Monthly Return to the Secretary, in the form recommended in my last Annual Report. (See Annexure C.) The Board accepted the principle, but determined to require monthly instead of weekly visits. All returns made by Teachers to the Inspector are now certified “correct” by the Managers.

40. Space.—The Schools are, without an exception, overcrowded. They are lamentably deficient in comfort and attractiveness, though the accommodation has improved a little, and the few articles of furniture, of which the Board has permitted the purchase, have proved a welcome addition to the school requisites. The conversion of the grants in aid into “Maintenance Grants” would have borne good fruit in this direction, had it not gone hand in hand with reductions which leave no margin to the Managers.

41. Ten Indian boys attended the Durban Boys’ Model Primary School during 1886. The Head Master says “that as a rule the conduct of these lads was good, and their general progress satisfactory. One came to the front and obtained a certificate of merit.”
42. One European and a few Mauritius and St. Helena half-castes, Zanzibarces, and Natives have attended the Schools as in previous years.

43. The only Night Schools of any importance are held in Durban by the Teachers of the Railway and Sydenham Schools, with 23 and 26 scholars on roll—the average attendance is seven and five respectively.

44. Some religious instruction is given in the Schools. It is understood that all are free to receive or reject it.

45. Each Aided School receives in its first year a grant of £3 for the purchase of books and apparatus, and thereafter £1 a year for the same purpose.

46. The sum of £15 is allowed by the Board for the purpose of prizes. This amount does not go very far, now that story books begin to be appreciated.

47. Having said all there is to say on the subject of the “Future of Pupils” on previous occasions, I will not touch upon it here, but content myself with hoping that the time will come when it will be found possible to offer special grants to schools in which Industrial Training is provided for. The workshop will help to dissipate many erroneous ideas which are incidental to the acquirement of the elements of education.

48. Annexure D is a Return of the Government Property in the possession of the Teachers of the three Board Schools on the 31st December, 1886.

I have the honour to be,

Sir,

Your obedient Servant,

F. COLEPEPER,

Inspector, Indian Schools, Natal.
APPENDIX D.

BILHARZIA HÆMATOBIA.

(See evidence, pages 400-404.)

APPENDIX E.

Estimated number of indentured Indians in the upcountry districts.

<table>
<thead>
<tr>
<th>Adult males in Maritzburg Medical Circle more than</th>
<th>650</th>
</tr>
</thead>
<tbody>
<tr>
<td>Howick</td>
<td>350</td>
</tr>
<tr>
<td>Weenen County</td>
<td>200</td>
</tr>
<tr>
<td>Umvoti</td>
<td>100</td>
</tr>
<tr>
<td>Klip River, say</td>
<td>50</td>
</tr>
</tbody>
</table>

Add 50 per cent. for women and children ... 675

2025

I cannot say how many time-expired Indians there may be.

C. MANNING.

Deputy-Protector of Immigrants.

8-9-85.
APPENDIX F.

POLLUTION OF STREAMS.

(See Report, pages 30-36.)

Government Notice No. 388, 1881.

His Excellency the Administrator of the Government directs the publication, for general information, of the following Report of the Commission appointed by Lieutenant-Governor Sir H. E. Bulwer, for the purpose of enquiring into and reporting upon the subject of the Pollution of Streams in the Coast Districts by the Refuse of Sugar and other Mills, and for suggesting measures for the prevention of the same.

The notes and evidence referred to in this Report have been separately bound, and have been filed in the Colonial Engineer's Office, where they may be referred to by those desiring to consult them.

By His Excellency's command,

F. S. Haden,
Assistant Colonial Secretary,
For Colonial Secretary.

Colonial Secretary's Office, Natal,
September 9, 1881.

[Copy.]

(Signed) Henry Bulwer,
Lieutenant-Governor.

Commission,

By His Excellency Sir Henry Ernest Bulwer, Knight, Commander of the Most Distinguished Order of Saint Michael and Saint George, Lieutenant-Governor in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

To the Honourable Albert Henry Hime, Captain Royal Engineers, Member of the Executive and Legislative Councils, Justice of the Peace and Colonial Engineer of Natal; Henry Cooke Campbell, Esq., Resident Magistrate of the Inanda Division of the County of Victoria; and David Edward Krätzschmar, Doctor of Medicine and District Surgeon of the Inanda Division of the County of Victoria, Greeting:
WHEREAS it is expedient, for divers good causes and considerations, that a Commission should issue, appointing Commissioners for the purpose of enquiring into and reporting upon the subject of the pollution of streams in the Coast Districts by the refuse of Sugar and other Mills, and for suggesting measures for the prevention of the same:

Now, therefore, I do by this Commission, under my hand and the Public Seal of this Colony, nominate and appoint you, the said ALBERT HENRY HIXE, HENRY COOKE CAMPBELL, and DAVID EDWARD KRETSCHMAR, to be Commissioners for enquiring into and reporting on the matters herein before set forth.

And for the better enabling you to carry my intentions into effect, I charge and enjoin all public officers in this Colony, and all others who may be called upon by the said Commissioners for information, to afford the same upon all questions relevant to or connected with the enquiry which the said Commissioners are to institute, so far as such public officers or other persons may be able to impart the information so required.

And I do hereby authorise and instruct you, or any two of you, to report to me under your hands, with as little delay as may be consistent with a due discharge of the duties hereby imposed upon you, upon the matters now referred to you, and also to certify to me from time to time your several proceedings in respect to any of the matters aforesaid, if it may be deemed expedient for you to do so.

And for your assistance in the execution of these presents, you are hereby authorised to appoint such person as your Clerk as may to you seem expedient: Provided, however, that any such appointment, and the remuneration by way of salary to be paid any such Clerk, shall be subject to my approval.

And, further, I do hereby reserve to myself the right to appoint one or more additional members to this Commission, should it appear to me necessary so to do, to aid and assist the members appointed under these presents in the enquiry to be undertaken by them; and any members so appointed shall be considered, to all intents and purposes, and shall possess the same power and authority as if they were nominated by and included in these presents.

Given under my hand, and the Public Seal of the Colony, at Government House, Pietermaritzburg, this Eighth day of April, one Thousand Eight Hundred and Eighty.

By His Excellency's command,

(Signed)  C. B. H. MITCHELL,

Colonial Secretary.
REPORT OF THE COMMISSION APPOINTED TO ENQUIRE INTO THE SUBJECT OF THE POLLUTION OF STREAMS IN THE COAST DISTRICTS OF NATAL.

To His Excellency CHARLES BULLEN HUGH MITCHELL, Esquire, Lieutenant-Colonel, late Royal Marines, Companion of the Most Distinguished Order of St. Michael and St. George, Administrator of the Government in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

MAY IT PLEASE YOUR EXCELLENCY.

We, the Commissioners, appointed by His Excellency Sir HENRY ENFIELD BULLEN, late Lieutenant-Governor of Natal, for the purpose of inquiring into and reporting upon the subject of the Pollution of Streams, in the Coast Districts, by the refuse of Sugar and other Mills and for suggesting measures for the prevention of the same, have now the honour to report to Your Excellency as follows:—

Our first duty appeared to be to satisfy ourselves that the Streams in the Coast Districts are in reality polluted by the refuse from Sugar and other Mills, and, if so, to investigate and ascertain the causes leading to such pollution. With these objects in view we visited and inspected the following Sugar Mills and Rum Distilleries, viz.,—

Redcliffe, Sugar Mill and Rum Distillery.
Fenton Vacy, Sugar Mill only.
Oakford, Sugar Mill and Rum Distillery.
Ottawa, do. do.
Blackburn Central, do. do.
Hill Head, Sugar Mill and Rum Distillery.
Avoca, do. do.
Equina, do. do.
Umzinto, Sugar Mill only.
Mount Edgecombe, Sugar Mill and Rum Distillery.

Our investigations at the above-named Sugar Mills and Distilleries have clearly convinced us that the Streams in their neighbourhood are polluted to an alarming and dangerous extent by the refuse which is discharged into them, all of which contains matters more or less highly deleterious to the health of those using the water thus polluted for drinking or culinary purposes, and in this conviction we are fully sustained by the testimony of the Medical Officers who have, from time to time, reported upon the subject in its sanitary aspect.

It is scarcely necessary to observe that this pollution reaches its worst stage during the winter or dry season of the year, when the currents in the streams are so sluggish that they allow the refuse from the Mills and Distilleries to settle in stagnant pools, or to be deposited on the vegetation growing in the beds and on the banks of the streams, whereas in the rainy season, when the streams are more or less flooded, their stronger currents tend to a great extent to carry the refuse out to sea, and to prevent its settlement anywhere throughout their courses. Moreover the volume of water in the streams is much less in the dry season, and the refuse is in consequence much less largely diluted than is the case in the rainy or summer season.
At most of the Mills and Distilleries visited by us we took in writing the evidence of the proprietor or manager, and our thanks are due to those gentlemen for the readiness with which they gave us all the information in their power, and for their courtesy in explaining to us everything connected with the working of their respective establishments. We gained much valuable information from the evidence thus taken by us, a copy of which, together with notes concerning each establishment visited by us, accompanies this Report.

The principal active sources of the pollution of the streams in the Coast Districts, and the only sources with which we consider it necessary that we should deal in this Report, may be enumerated as follows:—

1. The discharge into the streams and watercourses of the washings of the sugar mills and treacle houses, and of the various apparatus used in connection with the manufacture of sugar.

2. The deposit, in the neighbourhood of the sugar mills, of the skimmings and other refuse matters in such positions that they are subsequently washed into the streams and watercourses by the first rains.

3. The discharge into the streams, &c., of the water used in connection with the vacuum pan "triple effet" apparatus.

4. The discharge into the streams, &c., of the residue from rum distilleries, commonly called "dunder."

5. The proximity to the streams and watercourses of the camps and barracks for the Indian and other labourers, and the absence of latrines in these camps or barracks, or of any regulations forbidding the labourers to ease themselves on the banks or in the beds of these streams or watercourses.

With regard to the first of these sources of pollution, the washings of the mills, treacle houses, and apparatus consist of waters charged with saccharine matter, with certain mineral substances, and with organic detritus. There is no doubt whatever that these washings are of such a nature as to pollute the streams into which they are allowed to flow and this is more particularly the case in small watercourses, where fermentation is set up by the saccharine matter, and where the insoluble organic matters contained in the washings settle to the bottom or along the banks, and accumulate wherever the current is weak, putrefying slowly and giving off noxious gases.

The skimmings and other refuse matters from the sugar mills, when, owing to their too close proximity to the streams or watercourses, they find their way or are washed into them, tend to their pollution in the same way as described in the foregoing paragraph.

The water used in connection with the condensers of the vacuum pan and "triple effet" apparatus is always charged with a certain amount of saccharine and other noxious matters proceeding from the evaporation of the juice or treacle in which such matters are contained. This is more particularly the case where low-class products are being evaporated in the vacuum pan; and this source of pollution is again sometimes increased through the carelessness of those in charge of the apparatus, by permitting what is known as "priming" in the vacuum pan to such an extent that the juice or syrup is actually drawn off by the vacuum pump,
and becomes mixed with the water used for condensing. The water thus charged with saccharine matter, &c., being led into the nearest stream or watercourse, tends to pollute the water therein in the same manner as described in the case of the mill washings and skimmings.

Rum is obtained by the distillation of fermented liquors, composed of the treacle or syrup resulting from the manufacture of sugar, mixed with from ten to twelve times its own bulk of water. The residue is more or less acid, and is still mixed with certain proportions of alcohol and sugar, and is charged with all the other fixed noxious materials which the treacle or syrup contained. This residue is known as "dunder," and it is this which plays the principal part in the pollution of the streams in the Coast districts of Natal, and which, owing to its great bulk—being about twelve times as great as that of the rum produced—is perhaps the most difficult source of pollution to deal with effectually. It has, when it comes from the still, a very strong and disagreeable odour, and, according to the nature of the treacle from which it is produced, it is more or less concentrated, and more or less charged with the fixed deleterious matters which the treacle contained.

It is hardly necessary for us to state that the proximity of the Indian barracks to the streams and watercourses proves a serious source of pollution thereto. It is the custom of these people to ease themselves on the banks of the streams and then to clean themselves therein. Their excrement is subsequently washed into the watercourses by the first rains, and, in the case of large barracks, proves, of course, a very fertile source of pollution. This is increased by the cleansing in the streams of all their domestic utensils and by the washing therein of their clothes and persons.

In a few of the mills and distilleries visited by us, no attempts whatever have been made to prevent the pollution of the adjoining streams, caused by the refuse and dunder flowing direct into them, but it is only right that we should state that in most of these establishments efforts of some kind have been made to prevent this pollution, efforts which have been attended with more or less success according to the care and attention bestowed on them, and according to the facilities afforded in each case by the situation of the mill or distillery.

In some cases the skimmings from the mills are thrown on ash or rubbish heaps to form manure, whilst the "dunder" from the distilleries is led away in long open trenches to be absorbed by the soil and evaporated by the sun before it reaches any watercourse. In other instances the "dunder" is carted away to waste land at a considerable distance from the streams, and at one distillery it was, at the time of our visit, being used in the cane holes as manure. Again, at another distillery, all the "dunder" is collected in a large pond or reservoir and is kept there for, it may be, many months, until there is a freshet in the stream, when the dam is opened and the accumulated "dunder" is allowed to run direct into the stream to be carried quickly out to sea.

Those who have thus endeavoured to prevent or mitigate the pollution of the streams deserve all credit for their efforts, but all the plans adopted lack completeness and system.
In connection with this part of our report, we may observe that the preponderance of the evidence taken by us leads us to the conclusion that the "dunder" from distilleries, when it has been exposed to the action of the soil and air for some months, contains fertilizing properties which render it a valuable manure, and we therefore consider that if the recommendation which we are about to make concerning it be adopted, the result, though perhaps attended with some expense in the first instance, will eventually prove remunerative to the sugar planters.

Having thus described the various ways in which the streams in the coast districts are polluted by the refuse from sugar mills and distilleries, it only now remains for us to recommend what steps should be taken to put a stop to this wholesale pollution.

To effect this object we consider that special legislation is imperatively required, and we therefore recommend that a bill be introduced during the next Session of the Legislative Council, containing the following provisions, viz.:

1. For the division of the coast lands into convenient districts, and for the appointment within each of these districts of a Sanitary Inspector, who should have power conferred on him to give effect to his office and to carry out the provisions of the proposed law.

2. To make it compulsory for the proprietor, manager, or master of every mill or distillery, the refuse from which, in the opinion of the Sanitary Inspector, is polluting the water of any stream which provides the water supply for those living further down its course, to adopt the following means to prevent this pollution:

   (a) To place the skimings and other equally solid refuse on ash heaps, bagasse, or rubbish, which must not be less than 300 feet distant from the nearest stream or watercourse, or to dispose of it otherwise to the satisfaction of the Sanitary Inspector.

   (b) To convey, by water-tight drains to water-tight tanks or reservoirs, the whole of the liquid refuse from mills, including the water which is polluted by being used in connection with the vacuum and "triple effect" apparatus.

   (c) To remove, by gravitation or otherwise, the liquid refuse thus accumulated in these tanks or reservoirs to land situated at such a distance from the nearest stream or watercourse as will, in the opinion of the Sanitary Inspector, ensure its being absorbed by the soil or evaporated before it can reach such stream or watercourse. Or, at the option of the mill owner, manager, or renter, to precipitate, by means of lime or other chemical process, the noxious matters held in suspension by the refuse liquids in these tanks, and then to pass the liquid through filtering beds, so that the effluent water shall be rendered innocuous, to the satisfaction of the Sanitary Inspector.

   (d) To introduce what is known as the "fascine apparatus" in all mills where the vacuum pan and "triple effect" processes of manufacture, or the former only, are in use, by means of which the quantity of water used in connection with these processes will be reduced to such an extent that it can be more readily dealt with as described in the foregoing paragraph.
(e) To lead the "dunder" from distilleries into watertight tanks or reservoirs. The "dunder" thus collected to be put on heaps of bagasse, rubbish, and ashes from the mill, to be absorbed thereby and form manure. These manure heaps must be situated at such a distance from the nearest stream or watercourse as, in the opinion of the Sanitary Inspector, may be sufficient to guard against the pollution thereof through leakage or other cause; or to dispose of the "dunder" otherwise to the satisfaction of the Sanitary Inspector.

(f) To allow no accumulation of rubbish or detritus in fermentation, resulting from the manufacture of sugar, within a distance of less than 300 feet from the nearest stream or watercourse.

3. To prohibit from henceforth the erection of any building for the manufacture of sugar, coffee, or rum, or for any other industry calculated to defile the water, within a less distance than 300 feet from the nearest stream or watercourse.

4. To prohibit the establishment of huts or camps for Indian or other labourers within a less distance than 300 feet from the nearest stream or watercourse, and to require the removal to this distance of existing huts or camps at the earliest possible opportunity.

5. To make it compulsory for the proprietors, managers, or renters of all estates to provide suitable latrine accommodation for their Indian and other labourers.

6. To make it compulsory for the proprietors, managers, or renters to provide a suitable supply of water for drinking, cleansing, and other purposes at the dwellings of the Indian and other labourers on their estates.

7. To impose a penalty on all persons defiling any stream or watercourse by easing themselves in or on the banks thereof.

8. To confer on the Sanitary Inspectors the power, on discovering that any noxious matter is being discharged into any stream or watercourse, to require the person creating the nuisance, whether he be proprietor, manager, or renter of the mill, distillery, or land, to abate the said nuisance within a given time.

9. To impose a fixed heavy penalty for disregarding this notice.

10. To render it obligatory that, upon the third conviction for the above offence, the premises from which the nuisance proceeds shall be closed until approved steps be taken to prevent its recurrence.

11. To make it obligatory on the proprietors or renters of the land through which streams pass to keep these streams free from obstructions of any sort calculated to impede the flow of water, and more particularly from any obstruction caused by cane trash, branches, roots, leaves or rubbish of any sort. Where there are two proprietors or renters, each to keep his own side clear. And generally to adopt such other precautions as may, in the opinion of the Sanitary Inspector, be necessary to prevent the pollution of the streams or watercourses by any of the enumerated causes of defilement.
We have now enumerated the various causes leading to the pollution of the streams in the coast districts, and we have also recommended the measures which should in our opinion be adopted for the prevention of this pollution. We are confident that, if these measures be introduced and enforced, they will, if not wholly, at least to a great extent, effect the object in view.

The pollution of the streams in the coast districts has been increasing year by year with the increase in the number of mills and distilleries which are kept at work; year by year the medical officers have called attention to this pollution, and have attributed to this cause much of the sickness and mortality which have occurred amongst the Indians on the estates, and amongst others who have used the polluted water, and the evil has now reached such a dangerous stage that immediate and stringent legislative measures are necessary for its prevention.

It may not be within the province of the Commission to point out how the expense of carrying out the measures which have been recommended is to be met, but, in concluding this report, we may state that, in our opinion, the person who creates a nuisance, or for whose benefit it is created, is the person who alone should bear the cost of abating it, and that the public revenue should bear the cost of inspection and of that alone.

We have the honour to remain,

Your Excellency's

Most obedient servants,

A. H. HIME, Captain, R.E.,

Colonial Engineer, Chairman.

H. C. CAMPBELL,

Resident Magistrate, Inanda.

E. KRETZSCHMAR, M.D.,

District Surgeon

Verulam, 5th September, 1881
APPENDIX G.

FIFTH ANNUAL REPORT OF THE INDIAN IMMIGRATION TRUST BOARD OF NATAL, 1886.

STATISTICS.

The numbers of Indian Immigrants introduced by the Board, during the year 1886, are as follows:—

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Madras</td>
<td>155</td>
<td>59</td>
<td>33</td>
</tr>
<tr>
<td>From Calcutta</td>
<td>nil.</td>
<td>nil.</td>
<td>nil.</td>
</tr>
<tr>
<td></td>
<td>135</td>
<td>59</td>
<td>33</td>
</tr>
</tbody>
</table>

In all 227 souls.

The Births registered, in 1886, numbered 714.

The number of Deaths, in 1886, of which information has been received was 392, being at the rate of 13.22 in the 1,000, as against 16.28 in 1885.

According to the books of the Department, the Indian population in the Colony, on the 31st December, 1886, was:—

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Free</td>
<td></td>
<td></td>
<td></td>
<td>21,928</td>
</tr>
<tr>
<td>Under Indenture</td>
<td></td>
<td></td>
<td></td>
<td>7,661</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>29,589</td>
</tr>
</tbody>
</table>

There are, besides the above, numbers of residents in the Colony, natives of India, who have been introduced here from Mauritius or have come as passengers.

LABOUR SUPPLY.

The number of men introduced, under applications from employers, was only 135 male adults. Another vessel, with 263 men, will arrive sometime in January or February, 1887; thus making a total of 388 men, as against requisitions for 345.

The number of requisitions in hand, on the 1st January, 1886, was for 609 male statute adults. Owing, however, to the unfavourable season experienced in the early part of the year, the plentiful supply of Free Indian and Native Labourers, and other causes, it was decided to allow those employers who wished to withdraw their applications to do so, thus reducing the indent to 345 men. Owing to the delay in recruiting, which took place consequent upon the coming into force of the New Indian Act of 1883, the Board was able to effect the reduction, in the number applied for, without incurring any additional expense, as was done in the previous year.

The delay in recruiting, referred to, may be considered as the primary cause why the full number of men applied for have not arrived.

The number of male adult Indians requisitioned for 1887, is 623.

The Agents at Madras have been requested to recruit this number, and to despatch the first vessel in March or April next.

Acting on the suggestion of the Protector of Immigrants, a Medical Board has been appointed to examine all arrivals from India, so that the Indians may be thoroughly examined before leaving the Depot, and thus give the Employers less cause for complaint than has existed in the past. Previous to the appointment of the Medical Board, the Ship’s Surgeon used to attend at the examination of the Indians, in company with the Depot Surgeon.
INDIANS RETURNED.

The Umvoti has made two trips to Madras and Calcutta, with Indian Immigrants, during the year. Those returned are classified as follows:

<table>
<thead>
<tr>
<th></th>
<th>Men.</th>
<th>Women</th>
<th>Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfit for labour</td>
<td>...</td>
<td>77</td>
<td>19</td>
</tr>
<tr>
<td>Entitled to passage</td>
<td>...</td>
<td>157</td>
<td>82</td>
</tr>
<tr>
<td>Passengers</td>
<td>...</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>240</td>
<td>103</td>
<td>173</td>
</tr>
</tbody>
</table>

The Laurel, capable of carrying 300 souls, has been chartered to take return Indians, and will leave in February or March with, probably, a full complement.

A larger number of licences to Indians to leave the Colony, have been issued this year than has been the experience in any previous year. The increase is mainly due to the attraction of the Gold Fields. All those who receive licences to leave the Colony forfeit their right to a Free return passage to India.

The number of licences issued in 1885 was 245.

The number of licences issued in 1886 was 589.

Under Section 46 of the Law 2 of 1870 it is provided that all Indians who have been introduced, under indenture, can claim a return passage to India after residing in the Colony 10 years, and that they can further claim to return any time within 3 years after completion of the first 10 years. A large majority of those who have served 10 years in the Colony have availed themselves of the extension for three years. During the year 1887, all those who arrived in 1874 must either return to India or forfeit their right to a Free passage.

It is expected that, at least, 1,500 souls will wish to return to India; and to meet this, the Board are making arrangements for the charter of suitable vessels.

MEDICAL DEPARTMENT.

The returns from the Hospitals are as under:

<table>
<thead>
<tr>
<th></th>
<th>Patients Admitted</th>
<th>Daily Average in Hospital</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verulam Hospital</td>
<td>...</td>
<td>218</td>
</tr>
<tr>
<td>Avoca</td>
<td>...</td>
<td>144</td>
</tr>
<tr>
<td>Umzinto</td>
<td>...</td>
<td>210</td>
</tr>
<tr>
<td>Isipingo</td>
<td>...</td>
<td>97</td>
</tr>
<tr>
<td>Howick</td>
<td>...</td>
<td>43</td>
</tr>
<tr>
<td>Estcourt</td>
<td>...</td>
<td>9</td>
</tr>
<tr>
<td>(For 7 Months)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Weenen County Circle was established in February, and the Cottage Hospital, in the same Circle, at Estcourt, was opened in May; the Hospital has, however, been very little used. The number of patients admitted, as above, being nine for seven months. It may be advisable to close this Hospital at an early date.

Another new Circle has been formed at the Lower Umzinkulu; this was chiefly occasioned by the inability of the Medical Officer at Umzinto to attend on Indians at such a distance, although in his Circle. The Umzinkulu Circle comprises, therefore, part of what was the Umzinto Circle, and a certain district on the south side of the Umzinkulu River.

The Medical Clerk resigned in July, and the duties of the office are being performed in the Department, without any fresh appointment being made.

In the cases of the Medical Officers of the Isipingo Circle and of the Stanger Circle, it has been found necessary to recommend the reduction of their salaries, owing to the medical fees received having considerably fallen off, fewer Indians being employed in these Circles than formerly. These reductions will take effect as from the 1st January, 1887. This course will be followed with the other Medical Officers, should it be considered advisable.

The question of the reduction of the Medical Fee, which occupied the attention of the Board last year, the correspondence on which was published in the Board's Annual Report of 1885, still remains unsettled. His Excellency has decided that the proposal for the reduction must await
the receipt of the report of the Indian Laws Commission, when the question will be re-opened and reconsidered.

There have been no other changes or additions during the year.

By reason of the large number of Indians who have become free, and their continued services in the majority of cases not being required by the employers, and of the few arrivals from India, it is doubtful if the receipts from the Medical Fees will be sufficient to meet the current expenditure for the year 1887, without drawing on the balances.

The balance to the credit of the Fund on the 31st December, 1886, was £4,290 4s. 7d., made up of cash in the Treasury, £2,000 4s. 7d., and invested at interest £2,290, being an increase on the balance at the first of the year of £286 8s. 1d.

The only special payment during the year has been for the Quarantine expenses of the Umvoti, in amount £178 9s.; apart from this payment, the receipts have been £464 8s. 1d. above the expenditure.

The usual statement of the Fund will be found as an annexure to the accounts attached to this Report.

After consultation with the Medical Officers of the Indian Hospitals, it was decided to obtain tenders, locally, for one year for the supply of drugs, &c., and it has been found, so far, to work well, only such drugs as are required for immediate use being ordered, with the advantage of guaranteed freshness.

**INDIAN AGENCIES.**

Both Agencies in India—Madras and Calcutta—are being carried on under the same conditions as applied last year.

The Calcutta Agent having only to deal with remittances from Indians in Natal, &c., and the reception of Indians returned from the Colony.

The Madras Agent, in addition to performing duties similar to the Calcutta Agent, despatches the only supply of labour from India for the Colony.

**FINANCE.**

The Statements of Accounts will be found attached to this Report.

The difficulty experienced by the Board last year in finding suitable investments for moneys not immediately required has been removed, £40,000 having been invested in the Natal Government 5 per cent. Loan raised in the Colony last March.

By an arrangement with the Government, a sum of £10,000 was refunded to it as part payment of the Loan raised under Law No. 1 of 1876. A similar amount will be refunded during the current year, and thereby reduce the annual payment of interest by the Board.

**QUARANTINE STATION.**

The Quarantine Station has been used on one occasion, in October and November, 1886, when the Indians ex Umvoti, from Madras, were located there for 18 days. The necessity for the Indians to go into quarantine, was on account of measles having been prevalent during the voyage, although there were no cases on arrival of the vessel. Unfortunately, shortly after going to the Quarantine Station, a fresh case broke out, thus necessitating a further detention.

The buildings are in fairly good order, and have not required any repairs during the year.
MEETINGS OF THE BOARD.

The Board have held ordinary meetings once every month during the year.

<table>
<thead>
<tr>
<th>Attendance of Members</th>
<th>Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. L. H. Mason, Protector of Immigrants</td>
<td>11</td>
</tr>
<tr>
<td>† Mr. A. Wilkinson</td>
<td>11</td>
</tr>
<tr>
<td>Mr. T. G. Crowly, Auditor</td>
<td>10</td>
</tr>
<tr>
<td>§ Mr. J. T. Polkinghorn, Colonial Treasurer</td>
<td>7</td>
</tr>
<tr>
<td>* Mr. G. S. Smith</td>
<td>6</td>
</tr>
<tr>
<td>§ Mr. George Rutherford, Collector of Customs</td>
<td>4</td>
</tr>
<tr>
<td>* Mr. L. Acutt</td>
<td>3</td>
</tr>
<tr>
<td>† Mr. H. Binns, M.L.C.</td>
<td>1</td>
</tr>
<tr>
<td>* Mr. F. W. B. Louch</td>
<td>1</td>
</tr>
</tbody>
</table>

† Mr. Binns resigned in January, and Mr. Wilkinson was appointed in February.
§ Mr. Rutherford retired in April, and Mr. Polkinghorn was appointed the same month.
* Mr. Louch resigned in January, and the next month Mr. Acutt was appointed, who resigned in June, and Mr. Smith took his seat.

The Board have to regret the loss of their Chairman, Mr. Henry Binns, who resigned in January; and, to record their high appreciation of his services to the Board, passed the following Resolution:—

"That the Board having heard with regret of the resignation of Mr. Binns hereby places on record its warm appreciation of his services in the capacity of its Chairman, as also the active, personal interest taken by him in every matter connected with the subject of Indian Immigration in the Colony."

In the month of April following, Mr. Geo. Rutherford, who had been a member of the Board for nearly 10 years, retired by rotation. On this occasion, his long and valuable service was recognised by the Resolution of April last:—

"The Board desires to place on record its high appreciation of the valuable services rendered to the Board, and of the interest taken in all matters connected with Indian Immigration, by their retiring member, Mr. Geo. Rutherford, Collector of Customs, during his term of membership, now close upon 10 years."

The occasions necessary for holding Committee Meetings have been but few.

MISCELLANEOUS.

The number of letters sent through the Department, free of charge, by Indians to their relatives and friends, is 440, as against 624 in 1885.

The sum of £516 7s. 1d. has been remitted by Indians, through the Protector of Immigrants, to their friends in India. The amount for 1885 was £589 3s. 3d.

The total number of rewards paid for arrest of Indians, during the year, was 450.

The Depot Fence, at Addington, has required considerable repairs. Only a small amount has been necessary to keep the buildings in good order.

DEPARTMENTAL.

In accordance with the custom prevailing in the Civil Service of the Colony and the Natal Harbour Board, certain officers of the Department have been required to enter into the usual surety bonds.

The Board has recommended that any percentage reduction which may be imposed on the Salaries of the Officers of the Civil Service of the Colony should be applied to the Officers of the Department.

The Board has again the pleasure to express its satisfaction with the manner in which the work of the Department has been carried out by all the Officers.

Signed on behalf of the Board,

JNO. T. POLKINGHORNE,
Chairman.

15th January, 1887,
THE INDIAN IMMIGRATION TRUST BOARD OF NATAL.

RECEIPTS AND EXPENDITURE,

1st January to 31st December, 1886.

Dr.

Balances:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natal, 31st December, 1885</td>
<td>15,705</td>
</tr>
<tr>
<td>&quot;Medical&quot;</td>
<td>1,804</td>
</tr>
<tr>
<td>Calcutta, 1st July, 1885</td>
<td>363</td>
</tr>
<tr>
<td>Madras, 1st October, 1885</td>
<td>907</td>
</tr>
<tr>
<td>Government Contribution, Sec. 22, Law 12, 1872</td>
<td>0</td>
</tr>
<tr>
<td>Sales of Laws and Regulations</td>
<td>18</td>
</tr>
<tr>
<td>Fines and Fees of Protector's Court</td>
<td>29</td>
</tr>
<tr>
<td>Harbouring Fines</td>
<td>0</td>
</tr>
<tr>
<td>Duplicate Discharges, Licences, &amp;c.</td>
<td>307</td>
</tr>
<tr>
<td></td>
<td>18,781</td>
</tr>
</tbody>
</table>

Interest:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Overdue Instalments</td>
<td>303</td>
</tr>
<tr>
<td>&quot;Investment, Surplus Funds</td>
<td>2,003</td>
</tr>
<tr>
<td>&quot;Return Passage Fund</td>
<td>1,564</td>
</tr>
<tr>
<td></td>
<td>3,871</td>
</tr>
</tbody>
</table>

Annual Instalments:

<table>
<thead>
<tr>
<th>Instalment</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>428</td>
</tr>
<tr>
<td>Second</td>
<td>5,435</td>
</tr>
<tr>
<td>Third</td>
<td>6,041</td>
</tr>
<tr>
<td>Fourth</td>
<td>5,515</td>
</tr>
<tr>
<td>Fifth</td>
<td>3,503</td>
</tr>
<tr>
<td></td>
<td>20,983</td>
</tr>
</tbody>
</table>

General Revenue:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-third Immigration</td>
<td>10,000</td>
</tr>
</tbody>
</table>

Miscellaneous:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contingent penalty &quot;Umvoti&quot;</td>
<td>516</td>
</tr>
<tr>
<td>Remittances by Indians</td>
<td>512</td>
</tr>
<tr>
<td>Less payments</td>
<td>12</td>
</tr>
<tr>
<td>Special Servants</td>
<td>70</td>
</tr>
<tr>
<td>Less payments</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>37</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Medical Fund—(see Annexure A)</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts</td>
<td>4,273</td>
</tr>
<tr>
<td>Payments</td>
<td>3,987</td>
</tr>
<tr>
<td></td>
<td>285</td>
</tr>
</tbody>
</table>

Total: £54,580
Departmental Expenses:

Salaries ........................................ £1,779 4 0
Travelling Expenses, including Members of the Board and
Horse Allowance to Protector .......... 226 2 6
Rest of Offices .............................. 100 0 0
Advertisements ................................ 26 11 6
Furniture ....................................... 131 14 6
Printing ....................................... 117 7 4
Stationery ..................................... 40 2 9

171 4 7
Less contributed by Government and Sold 59 13 3

111 11 4
Telegram ........................................ 5 13 9
Petty Expenses ................................. 28 18 0
Professional Services ..................... 112 9 6
Audit, Natal .................................... 15 15 0

2,406 5 7

Deputy Protector:

Salaries ........................................ 460 0 0
Travelling Expenses, including Horse allowance 216 5 0
Office and Clerical Assistance ............ 84 0 0
Stationery ..................................... 7 12 1

707 17 1

Deserter's Account:

Constables' Wages, Rewards and Expenses .... 184 3 0

Interest:

On Loan Law No. 1 of 1876 for 1886 2,385 2 5
Expenses, Crown Agents 2,315 1 6

4,710 4 8

Depot, Addington:

Rent ........................................... 100 9 0
Maintenance ................................... 701 5 12
Repairs to Buildings and Fence ........... 38 16 11

840 2 7
Less Depot Fees, received 288 17 10

551 4 3

Quarantine Station:

Maintenance .................................. 48 6 0
Less half contributed by Government ....... 24 8 0

24 3 0

Sums Refunded:

Instalments ................................... 4 0 0

Carried Forward 8,647 17 7
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Brought Forward</strong></td>
<td>£8,647 17 7</td>
</tr>
<tr>
<td><strong>Premiums on Remittances:</strong></td>
<td></td>
</tr>
<tr>
<td>To Crown Agents</td>
<td>51 7 7</td>
</tr>
<tr>
<td><strong>Return Indians:</strong></td>
<td></td>
</tr>
<tr>
<td>Passage Money and Expenses, returning Indians</td>
<td>3,002 11 2</td>
</tr>
<tr>
<td><strong>Return Passage Fund:</strong></td>
<td></td>
</tr>
<tr>
<td>Amounts invested 1886</td>
<td>4,518 18 10</td>
</tr>
<tr>
<td>… withdrawn 1886</td>
<td>3,091 0 0</td>
</tr>
<tr>
<td><strong>Surplus Funds:</strong></td>
<td>1,427 18 10</td>
</tr>
<tr>
<td>Amounts invested 1886</td>
<td>20,490 12 1</td>
</tr>
<tr>
<td><strong>Shipments—“Umvoti” 16th Voyage—Madras:</strong></td>
<td></td>
</tr>
<tr>
<td>Passage Money, 5 men at £8</td>
<td>40 0 0</td>
</tr>
<tr>
<td><strong>“Umvoti” 17th Voyage—Madras:</strong></td>
<td></td>
</tr>
<tr>
<td>Passage Money, 200½ adults at £7 15s.</td>
<td>1,553 17 6</td>
</tr>
<tr>
<td>Gratuities to Officers, &amp;c.</td>
<td>29 9 0</td>
</tr>
<tr>
<td>Landing …</td>
<td>7 10 0</td>
</tr>
<tr>
<td><strong>Loan Account:</strong></td>
<td>1,590 16 6</td>
</tr>
<tr>
<td>Payment to Government as against Loan No. 1, 1876</td>
<td>10,000 0 0</td>
</tr>
<tr>
<td><strong>Miscellaneous:</strong></td>
<td></td>
</tr>
<tr>
<td>Deceased Estates, Indians</td>
<td>43 13 10</td>
</tr>
<tr>
<td>Less Receipts</td>
<td>17 18 4</td>
</tr>
<tr>
<td>Latrines and Outbuildings</td>
<td>25 15 6</td>
</tr>
<tr>
<td>Urinals, removal, &amp;c.</td>
<td>18 15 4</td>
</tr>
<tr>
<td><strong>Indian Agencies—Calcutta, 1st July, 1885, to 30th June, 1886:</strong></td>
<td></td>
</tr>
<tr>
<td>Rent and Establishment</td>
<td>476 10 2</td>
</tr>
<tr>
<td>Recruiting, Balance 1885</td>
<td>3 15 5</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>47 14 1</td>
</tr>
<tr>
<td><strong>Indian Agencies—Madras, 1st Oct., 1885, to 31st March, 1886:</strong></td>
<td></td>
</tr>
<tr>
<td>Rent and Establishment</td>
<td>344 19 0</td>
</tr>
<tr>
<td>Recruiting, Balance 1885</td>
<td>485 7 10</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>26 12 8</td>
</tr>
<tr>
<td><strong>Balances:</strong></td>
<td></td>
</tr>
<tr>
<td>Natal, General</td>
<td>3,937 7 8</td>
</tr>
<tr>
<td>… Medical</td>
<td>2,090 4 7</td>
</tr>
<tr>
<td>Calcutta, 1st July, 1886</td>
<td>163 9 7</td>
</tr>
<tr>
<td>Madras, 1st April, 1886</td>
<td>246 17 7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>6,437 19 5</td>
</tr>
<tr>
<td>(Signed) JAS. A. POLKINGHORNE,</td>
<td></td>
</tr>
<tr>
<td>Secretary.</td>
<td></td>
</tr>
<tr>
<td>Audited and found correct,</td>
<td></td>
</tr>
<tr>
<td>(Signed) A. CLARE SEWELL,</td>
<td></td>
</tr>
<tr>
<td>12th January, 1887.</td>
<td></td>
</tr>
<tr>
<td>Sub-Auditor.</td>
<td></td>
</tr>
</tbody>
</table>
SURPLUS FUNDS.—STATEMENT OF INVESTMENT.

31st December, 1886.

Durban Corporation 6 per cent. Debentures ... ... £12,832 10 0
Natal 5 per cent. Loan ... ... 40,700 0 0

£53,532 10 0

I certify that I have examined the above-mentioned securities.

(Signed) A. CLARE SEWELL,
Sub-Auditor.

RETURN PASSAGE FUND.—STATEMENT OF INVESTMENT.

31st December, 1886.

Cape of Good Hope 4½ per cent. Debentures ... ... £18,500 0 0
Natal ... 4½ " " ... ... 15,700 0 0
Natal ... 4 " " ... ... 2,814 15 11
New South Wales 3½ " " ... ... 2,310 11 2
Natal 5 per cent. Loan ... ... 3,045 0 0

£36,870 7 1

I certify that I have examined the above-mentioned securities, with the exception of those in the hands of the Crown Agents.

(Signed) A. CLARE SEWELL,
Sub-Auditor.

THE INDIAN IMMIGRATION TRUST BOARD OF NATAL.

Estimated at 31st December, 1886.

LIABILITIES.

To Loans, Law No. 1 of 1876 ... ... ... £47,662 8 1
" 19 " ... ... ... 46,301 10 6

93,963 18 7

Less repaid to Government ... ... ... 10,000 0 0

£83,963 18 7

To Estimated amount required for Return Passages of Indians under clause No. 13, Law 20, of 1874 ... ... ... 65,909 0 0

£149,872 18 7

ASSETS.

By Instalments overdue and to fall due ... ... ... £35,392 19 7
Less estimated loss from deaths, desertions, and returned to India ... ... ... 2,520 0 0

£33,472 21 0

" General Revenue, half contribution on Instalments £33,472 19 7 ... ... 16,736 9 9
" Surplus Funds, invested ... ... ... 53,532 10 0
" Return Passage Fund, under clause 14, Law 20, 1874 ... ... 36,870 7 1
" Cash, including balances at Calcutta and Madras ... ... 4,347 14 10

£144,960 1 3

(Signed) JAS. A. POLKINGHORNE,
Secretary.

Durban, 10th January, 1887.
ANNEXURE A.

MEDICAL FUND.—RECEIPTS AND EXPENDITURE,

1st January to 31st December, 1886.

Balance Cash, 31st December, 1885 ... ... ... £1,804 18 6

**RECEIPTS:**

**Medical Fees:**

<table>
<thead>
<tr>
<th>Location</th>
<th>...</th>
<th>...</th>
<th>...</th>
<th>£883 17 0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verulam Circle</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoca</td>
<td></td>
<td></td>
<td></td>
<td>709 3 0</td>
</tr>
<tr>
<td>Umzinto</td>
<td></td>
<td></td>
<td></td>
<td>439 14 0</td>
</tr>
<tr>
<td>Durban</td>
<td></td>
<td></td>
<td></td>
<td>370 4 0</td>
</tr>
<tr>
<td>Isipingo</td>
<td></td>
<td></td>
<td></td>
<td>270 17 0</td>
</tr>
<tr>
<td>P.M.Burg,&amp;c.,</td>
<td></td>
<td></td>
<td></td>
<td>243 14 10</td>
</tr>
<tr>
<td>Stanger</td>
<td></td>
<td></td>
<td></td>
<td>147 9 0</td>
</tr>
<tr>
<td>Howick</td>
<td></td>
<td></td>
<td></td>
<td>155 16 0</td>
</tr>
<tr>
<td>Weenen</td>
<td></td>
<td></td>
<td></td>
<td>67 12 6</td>
</tr>
<tr>
<td>Umzimkulu</td>
<td></td>
<td></td>
<td></td>
<td>6 16 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>3,815 3 4</td>
</tr>
</tbody>
</table>

**Hospital Fees:**

<table>
<thead>
<tr>
<th>Location</th>
<th>...</th>
<th>...</th>
<th>...</th>
<th>849 15 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verulam Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoca</td>
<td></td>
<td></td>
<td></td>
<td>126 11 0</td>
</tr>
<tr>
<td>Umzinto</td>
<td></td>
<td></td>
<td></td>
<td>203 8 0</td>
</tr>
<tr>
<td>Isipingo</td>
<td></td>
<td></td>
<td></td>
<td>83 1 10</td>
</tr>
<tr>
<td>Howick</td>
<td></td>
<td></td>
<td></td>
<td>17 2 0</td>
</tr>
<tr>
<td>Estcourt</td>
<td></td>
<td></td>
<td></td>
<td>3 10 6</td>
</tr>
<tr>
<td>Addington Wards</td>
<td></td>
<td></td>
<td></td>
<td>0 8 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>783 16 10</td>
</tr>
</tbody>
</table>

Interest on Investments ... ... ... ... 145 7 6

**Quarantine Expenses—“Umveli”:**

Recovered from Ship ... ... ... ... 28 13 6

**Total** ... ... ... ... £6,077 18 0

**LESS EXPENDITURE:**

Salaries, Medical Officers ... ... ... ... ... ... ... £2,119 15 3
Salary, Medical Clerk ... ... ... ... ... ... ... 132 0 0

**Verulam Hospital:**

Maintenance ... ... ... ... ... ... ... ... 420 5 5
Repairs ... ... ... ... ... ... ... ... 1 2 0

**Avoca Hospital:**

Maintenance ... ... ... ... ... ... ... ... 289 12 6
Repairs ... ... ... ... ... ... ... ... 40 17 0

**Umzinto Hospital:**

Maintenance ... ... ... ... ... ... ... ... ... 286 0 5

**Carried forward** ... ... ... ... £3,289 12 7
Isipingo Hospital:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance</td>
<td>£161 17 6</td>
</tr>
<tr>
<td>Repairs</td>
<td>6 7 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£168 4 6</td>
</tr>
</tbody>
</table>

Howick Hospital:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent</td>
<td>36 0 0</td>
</tr>
<tr>
<td>Allowance for Medicines</td>
<td>14 5 6</td>
</tr>
<tr>
<td>Furniture</td>
<td>1 10 0</td>
</tr>
<tr>
<td>Maintenance</td>
<td>50 14 3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>102 9 9</td>
</tr>
</tbody>
</table>

Estcourt Hospital:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent</td>
<td>28 0 0</td>
</tr>
<tr>
<td>Furniture</td>
<td>30 7 3</td>
</tr>
<tr>
<td>Maintenance</td>
<td>42 7 4</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>1 10 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>102 4 7</td>
</tr>
</tbody>
</table>

Fees paid to Durban Hospital: 17 14 0
Refunded half Hospital Fees: 17 10 0
Printing, Stationery, and Advertising: 41 5 2
Quarantine Expenses, "Umvoti": 178 19 0
Attending Indian, Umzimkulu: 24 4 6
Travelling Expenses: 38 5 6
Miscellaneous: 7 4 6

3,987 14 1

Cash Balance, 31st December, 1886: £3,077 18 3

**Note:** Exclusive of Cash Balance: £1,000 is invested at 4½ per cent. and £1,200 at 6 per cent.

**Total:** £2,200

Audited and found correct,

(Signed) A. CLARE SEWELL,
Sub-Auditor.
## APPENDIX H.

### DEATHS OF INDIAN IMMIGRANTS FROM OTHER THAN NATURAL CAUSES.

#### 1886.

<table>
<thead>
<tr>
<th>Name</th>
<th>Official Number</th>
<th>Sex</th>
<th>Age</th>
<th>Cause of Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angammal</td>
<td>33,383</td>
<td>Female</td>
<td>Years 27</td>
<td>Murdered—throat cut.</td>
</tr>
<tr>
<td>Veeramah</td>
<td>3,256</td>
<td></td>
<td></td>
<td>Sunstroke.</td>
</tr>
<tr>
<td>Mowlabocus (son of)</td>
<td>12,734</td>
<td>Male</td>
<td>8</td>
<td>Shock and haemorrhage following gunshot wound.</td>
</tr>
<tr>
<td>Tanjani</td>
<td>33,455</td>
<td></td>
<td>23</td>
<td>Suicidal hanging.</td>
</tr>
<tr>
<td>Narransamy</td>
<td>5,296</td>
<td></td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>Soobroyen</td>
<td>15,319</td>
<td></td>
<td>40</td>
<td>Exhaustion from starvation.</td>
</tr>
<tr>
<td>Sangakon</td>
<td>34,185</td>
<td></td>
<td>26</td>
<td>Drowning.</td>
</tr>
<tr>
<td>Nanpoo (daughter of)</td>
<td>20,483</td>
<td>Female</td>
<td>8</td>
<td>Exhaustion following severe burn.</td>
</tr>
<tr>
<td>Soranam</td>
<td>33,655</td>
<td></td>
<td>3</td>
<td>Shock due to severe burn.</td>
</tr>
<tr>
<td>Veeranath</td>
<td>22,987</td>
<td>Male</td>
<td>45</td>
<td>Executed for murder of Angammal.</td>
</tr>
<tr>
<td>Panchoo</td>
<td>13,071</td>
<td></td>
<td>30</td>
<td>Haemorrhage following fracture of ribs.</td>
</tr>
<tr>
<td>Ajuussia</td>
<td>10,163</td>
<td>Female</td>
<td>35</td>
<td>Worms impacted in respiratory organs.</td>
</tr>
<tr>
<td>Muni</td>
<td>24,836</td>
<td></td>
<td>7</td>
<td>Effects of severe burns.</td>
</tr>
<tr>
<td>Thayee</td>
<td>24,827</td>
<td></td>
<td>35</td>
<td>Softening of brain following fractured skull.</td>
</tr>
<tr>
<td>Somaria (daughter of)</td>
<td>8,998</td>
<td></td>
<td>7</td>
<td>Severe burns.</td>
</tr>
<tr>
<td>Murugesan</td>
<td>22,709</td>
<td>Male</td>
<td>39</td>
<td>Suicide.</td>
</tr>
<tr>
<td>Pertab Sing</td>
<td>27,156</td>
<td></td>
<td>24</td>
<td>Injuries received in railway accident.</td>
</tr>
<tr>
<td>Sonia</td>
<td>31,162</td>
<td>Female</td>
<td>27</td>
<td>Exhaustion from severe burn.</td>
</tr>
<tr>
<td>Lutchigadoo</td>
<td>28,467</td>
<td>Male</td>
<td>7</td>
<td>Effects of gunshot wound.</td>
</tr>
<tr>
<td>Doo Mahalutchmee</td>
<td>29,957</td>
<td>Female</td>
<td>22</td>
<td>Extensive burn.</td>
</tr>
<tr>
<td>Sahodaree</td>
<td>Unkwn.</td>
<td></td>
<td>36</td>
<td>Exhaustion following burn.</td>
</tr>
<tr>
<td>Dussani</td>
<td>31,089</td>
<td></td>
<td>5</td>
<td>Exposure after sustaining burn.</td>
</tr>
<tr>
<td>Margasagayan</td>
<td>15,304</td>
<td>Male</td>
<td>27</td>
<td>Drowning.</td>
</tr>
<tr>
<td>Lizzie (daughter of)</td>
<td>2,408</td>
<td>Female</td>
<td>3</td>
<td>Acute alcoholic poisoning.</td>
</tr>
<tr>
<td>Ramsurn</td>
<td>11,297</td>
<td>Male</td>
<td>38</td>
<td>Injuries received, tram-car accident.</td>
</tr>
<tr>
<td>Cheddee</td>
<td>23,568</td>
<td></td>
<td>30</td>
<td>Exposure.</td>
</tr>
<tr>
<td>Gourama (daughter of)</td>
<td>5,573</td>
<td>Female</td>
<td>2</td>
<td>Effects of burns.</td>
</tr>
<tr>
<td>Name</td>
<td>Official Number</td>
<td>Sex</td>
<td>Age</td>
<td>Cause of Death</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------</td>
<td>---------</td>
<td>---------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Tawtamah</td>
<td>28,657</td>
<td>Female</td>
<td>Years 7</td>
<td>Exhaustion from burns.</td>
</tr>
<tr>
<td>Kanni</td>
<td>30,470</td>
<td></td>
<td>Months 6</td>
<td>Extensive burns.</td>
</tr>
<tr>
<td>Veeramamy (son of)</td>
<td>24,694</td>
<td>Male</td>
<td>Years 2</td>
<td>Effects of burns.</td>
</tr>
<tr>
<td>Rahulmussi</td>
<td>29,581</td>
<td></td>
<td></td>
<td>Fracture of skull and subsequent shock.</td>
</tr>
<tr>
<td>Mangah (son of)</td>
<td>4,670</td>
<td></td>
<td></td>
<td>Drowning.</td>
</tr>
<tr>
<td>Sobadn</td>
<td>31,803</td>
<td></td>
<td></td>
<td>Suicidal hanging.</td>
</tr>
<tr>
<td>Soobrutun</td>
<td>26,885</td>
<td>Female</td>
<td></td>
<td>Supposed to have been murdered.</td>
</tr>
<tr>
<td>Kithery</td>
<td>28,137a</td>
<td>Male</td>
<td></td>
<td>Drowning.</td>
</tr>
<tr>
<td>Ramsahaie</td>
<td>27,812</td>
<td></td>
<td></td>
<td>Suicide.</td>
</tr>
<tr>
<td>Bidessy (son of)</td>
<td>18,715</td>
<td></td>
<td></td>
<td>Severe burn.</td>
</tr>
<tr>
<td>Jaomun</td>
<td>Unknown</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hali Bocus</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Budhun</td>
<td>27,580</td>
<td></td>
<td></td>
<td>Executed for murder of Christina [McGregor.</td>
</tr>
<tr>
<td>Banuchurn</td>
<td>27,899</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheik Hussein</td>
<td>31,649</td>
<td></td>
<td></td>
<td>Suffocation—respiring carbonic oxide.</td>
</tr>
<tr>
<td>Parbutti (daughter of)</td>
<td>9,287</td>
<td>Female</td>
<td></td>
<td>Effects of snake-bite.</td>
</tr>
<tr>
<td>Jutton</td>
<td>23,866</td>
<td>Male</td>
<td></td>
<td>Suicide.</td>
</tr>
<tr>
<td>Shannarrain</td>
<td>30,099</td>
<td></td>
<td></td>
<td>Fracture of skull.</td>
</tr>
</tbody>
</table>
APPENDIX I.

PIETERMARITZBURG CHAMBER OF COMMERCE.

(See Report, pp. 74-75.)

To the Honourable the Speaker and the Members of the Legislative Council of Natal, in Council Assembled:

The Petition of the undersigned, Fergus Alexander Hather, the duly elected Chairman of the Pietermaritzburg Chamber of Commerce,

RESPECTFULLY SHEWETH:

1. That the Chamber has had under consideration the great and alarming increase of the Arab, Indian, and Coolie population in this Colony during the past few years, and that it views with considerable apprehension its future effects upon the prosperity of the Colony:

2. That the Chamber, in taking the above facts into consideration, at a meeting held on the 13th July, adopted the following resolutions:

   a. That no further money from Public Revenue shall be expended for the importation of Coolie Labour.
   b. That all time-expired Indians who are out of employ, and seeking work, should be offered a free passage back to India, and, so far as the funds now in hand will allow, every effort should be made to ship to India time-expired Indians.
   c. That on no account shall any Indian, Arab, or Asiatic be introduced into the Colony, except on conditions that on the expiration of term of service they at once return to the country from whence they came.
   d. That every free Indian, Arab, or Asiatic be registered, and do pay an annual fee of £ per statute adult; or
   e. That each Hut, House, or Dwelling-place inhabited by free Indian, Arab, or Asiatic, shall pay a House Tax of £
   f. That Indians, Arabs, or Asiatics shall not be allowed to live or trade in any part of towns excepting in such quarter as may be set apart by the Corporation or Local Authorities for that purpose.
   g. That no Indian, Arab, or Asiatic be allowed to deal in any kind of intoxicating drinks.
   h. That no Indian, Arab, or Asiatic shall trade out of the Locations set apart in the Towns or Townships. That is, that no peddling or hawking shall be allowed in the Colony, excepting upon the payment of a license of £10 per annum.

3. Therefore your Petitioner prays that your Honourable House will be pleased to take this matter into your serious consideration, and so pass a measure to afford relief in the direction as desired by the Chamber:

And your Petitioner, as is duty bound, will ever pray.

F. A. HATHORN, Chairman.

Dated at Pietermaritzburg,
15th July, 1883.
APPENDIX J.

Department of Immigration, Durban,
Natal, 17th March, 1885.

Dear Sir,—In compliance with your verbal request, I now beg to report to you for the information of the Commission, that a native of Ceylon, who came to this Colony as an indentured Indian immigrant (C. P. Simon, No. 32746) has, I have ascertained, been taken out of the Colony by the Manager of the Company to which he was assigned (Captain Hitchins of the African Boating Company), in direct contravention of the law.

Captain Hitchins made a formal application for leave to take the man to England some time ago, but this was refused by His Excellency. I now hear, however, that when Captain Hitchins left for England in the "Melrose," last week, C. P. Simon accompanied him.

I am, Dear Sir,
Yours truly,

L. H. Mason,
Protector of Immigrants.
Chairman, Indian Immigration Commission, Durban.

---

APPENDIX K.

Return of Monies Remitted to India Yearly since 1863, Through the Office of the Protector of Immigrants, by Indians resident in Natal to their Friends and Relatives in India.

(See Report, p. 83.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1863</td>
<td>£553 6 0</td>
</tr>
<tr>
<td>1864</td>
<td>189 0 0</td>
</tr>
<tr>
<td>1865</td>
<td>144 10 0</td>
</tr>
<tr>
<td>1866</td>
<td>302 16 0</td>
</tr>
<tr>
<td>1867</td>
<td>47 0 0</td>
</tr>
<tr>
<td>1868</td>
<td>73 0 0</td>
</tr>
<tr>
<td>1869</td>
<td>29 10 0</td>
</tr>
<tr>
<td>1870</td>
<td>196 0 0</td>
</tr>
<tr>
<td>1871</td>
<td>17 10 0</td>
</tr>
<tr>
<td>1872</td>
<td>21 0 0</td>
</tr>
<tr>
<td>1873</td>
<td>24 0 0</td>
</tr>
<tr>
<td>1874</td>
<td>81 0 0</td>
</tr>
<tr>
<td>1875</td>
<td>45 0 0</td>
</tr>
<tr>
<td>1876</td>
<td>33 0 0</td>
</tr>
<tr>
<td>1877</td>
<td>97 0 0</td>
</tr>
<tr>
<td>1878</td>
<td>183 0 0</td>
</tr>
<tr>
<td>1879</td>
<td>272 0 0</td>
</tr>
<tr>
<td>1880</td>
<td>280 10 0</td>
</tr>
<tr>
<td>1881</td>
<td>270 10 0</td>
</tr>
<tr>
<td>1882</td>
<td>440 0 0</td>
</tr>
<tr>
<td>1883</td>
<td>754 0 9</td>
</tr>
<tr>
<td>1884</td>
<td>901 1 4</td>
</tr>
<tr>
<td>1885</td>
<td>589 3 3</td>
</tr>
<tr>
<td>1886</td>
<td>516 7 1</td>
</tr>
</tbody>
</table>

Total £5,710 3 8
<table>
<thead>
<tr>
<th>Name of person remitting and caste</th>
<th>Ship and Ship's No.</th>
<th>Colonial No.</th>
<th>Father's name of person remitting</th>
<th>To whom remitted, and father's name</th>
<th>Village</th>
<th>Pergunnah</th>
<th>Zillah</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of arrival in Col'ny</td>
<td></td>
<td></td>
<td>(Caste,)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DEPARTMENT OF IMMIGRATION,**

*Durban, Natal,* .................................................. 188  ......  

*Protector of Immigrants.*
## DUPLICATE.

**REMITTANCE TO INDIA, for the Month of..................................................................188..............................................................................................................................................**

<table>
<thead>
<tr>
<th>Name of person remitting, and caste</th>
<th>Ship and Ship's No.</th>
<th>Colonial No.</th>
<th>Father's name of person remitting, and father's name</th>
<th>To whom remitted</th>
<th>Village</th>
<th>Pergunnah</th>
<th>Zillah</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of arrival in Col'ney</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Caste.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DEPARTMENT OF IMMIGRATION,**

*Durban, Natal..................................................188..........................................................*

*Protector of Immigrants.*
APPENDIX L:

Rules and Regulations for the Gaols in the Colony of Natal,
approved by the Governor in Council.

(See Report, pp. 39-40.)

[Vide Proclamations of February 6, 1881, and June 4, 1888,
and Government Notices Nos. 525 of 1881 and 141 of 1884.]

1. Prisoners shall be classed as males and females, and
again in the following classes, viz.:

a. Prisoners undergoing imprisonment under civil
process, and witnesses detained by reason of
their inability to give security for their attend-
ance, when called upon, to give evidence.

b. Prisoners under examination or awaiting trial.

c. Prisoners sentenced to terms of imprisonment not
exceeding three months.

d. Prisoners sentenced to terms of imprisonment ex-
ceeding three months.

e. Military prisoners convicted of breaches of discip-
line only, who shall, so far as may be practicable,
having regard to the prison accommodation and
the circumstances of the case, be kept separate
and distinct from prisoners convicted of offences
of an immoral, dishonest, shameful, or criminal
character.

Class d shall be further subdivided into two classes,
viz.:

f. First or ordinary class, in which all such prisoners
shall be placed on first entering the Gaol.

g. Second or punishment class, in which prisoners may
be placed by order of the Resident Magistrate,
for any period not exceeding three months, in
serious cases of conviction for breach of prison
regulations or other offences; and may be em-
ployed to empty tubs and clean urinals, or in
such other occupations of a like nature as may be
necessary for the cleanliness of the Gaol
premises.

2. All prisoners under sentence of imprisonment for more
than one month shall wear prison clothing in all the Gaols to
which such clothing is supplied.
3. Every prisoner shall take a bath on reception, unless it shall be otherwise directed in any particular case by the Superintendent, Keeper, or Medical Officer of the Gaol, or as provided in the rules.

4. If any prisoner is found to have any cutaneous disease, or to be infested with vermin, means shall be taken effectually to eradicate and destroy the same.

5. All prisoners on admission shall be searched, and all dangerous weapons, materials, or instruments calculated to facilitate escape, all means of obtaining fire, and all prohibited articles shall be taken from them. All money or other effects brought into Gaol by any prisoner under criminal charge, including clothes, in the case of prisoners required to wear prison clothing, shall be taken from him. All such above-mentioned property shall be placed in the custody of the Superintendent or Keeper of the Gaol, who shall keep an inventory thereof; such property shall be properly ticketed, and put away in a fitting place until the prisoner shall be discharged, when it shall, subject to the provisions of Law 10, 1578, or unless ordered otherwise by any Court or person having authority on that behalf, be restored to him. Female prisoners shall be searched by females. No prisoner shall be searched in the presence of any other prisoner. Such of the clothing, linen, and other articles belonging to prisoners as may be retained in the prison, shall, if necessary, be washed, cleaned, or disinfected as soon as possible after they are received.

6. The name, age, height, weight, features, particular marks, and general appearance of a criminal prisoner shall, upon his admission, be noted in a nominal record of prisoners, to be kept by the Superintendent or Keeper of the Gaol, and the weight of any prisoner may at any time be ascertained at the instance of the Superintendent, Keeper, or Medical Officer of the Gaol, or any member of the Gaol Board.

7. All prisoners under warrant or order for execution shall, immediately on their arrival in the Gaol after sentence, be searched by the Superintendent or Keeper of the Gaol, and all articles shall be taken from them which the Superintendent or Keeper of the Gaol may deem to be dangerous or inexpedient to leave in their possession. Each such prisoner shall be confined in a cell apart from all other prisoners, and be closely watched. He shall be allowed such a diet and amount of exercise as the Superintendent or Keeper of the Gaol, with the approval of the Resident Magistrate, may direct. The minister of any religious denomination to which the prisoner may belong, or by whom he may choose to be visited, shall have free access to him in his cell; but no other person, not being the Resident Magistrate or an officer of the Gaol, or the Sheriff or Deputy-Sheriff, shall have access to such prisoner except by authority of the Governor, or an order in writing from the Resident Magistrate. During the preparation for an execution, and while the same is being carried out, no person shall enter the Gaol who is not legally entitled to do so, unless in pursuance of an order in writing from the Resident Magistrate.

8. If provision for holding divine service should exist in the Gaol, the Superintendent or Keeper of the Gaol shall cause all prisoners, except debtors, witnesses, and those who may be prevented by illness or other reasonable cause, or by conscientious objections, to attend divine service within the precincts of the Gaol. And all ministers ordained or
otherwise set apart for the purpose of holding religious services, and all lay ministers recognised and admitted by the members of any religious persuasion, shall have every facility to visit prisoners belonging to their several persuasions, and to hold divine service at such reasonable and proper hours as shall be approved of by the Resident Magistrate or Gaol Board.

9. All prisoners who do not go out to work shall be allowed as much exercise in the open air as shall be necessary (not to exceed two hours daily) for the preservation of health.

10. No person shall be allowed to visit convicted prisoners unless he produce an order for admission signed by the Resident Magistrate, such order to be noted in the visitors' book.

11. The walls of the cells and passages of the Gaol shall be lime-washed at least once every three months, and the floors of the cells shall be washed not less than twice a week.

12. No beer, wine, or spirituous liquors of any kind shall be admitted into any prison for the use of any of the prisoners therein, under any pretence whatever, unless by a written order of the Medical Officer, specifying the quantity to be admitted, and the name of the prisoner for whose use it is intended; but this regulation shall not apply to any stock of spirituous liquors kept in the prison for the use of the Infirmary, and under the control of the Medical Officer, nor to liquors introduced under Rule 13.

13. No smoking shall be allowed or tobacco introduced, except with the consent and subject to the rules made by the Resident Magistrate or Gaol Board, or under a written order of the Medical Officer.

14. Debtors, witnesses detained as set forth in the first Regulation, and prisoners committed for examination or trial, may, at their own expense, procure and receive at all proper times any food, bedding, or other necessaries or comforts for their own use, subject to the approval of the Resident Magistrate; provided that no part of any food, wine, malt liquor, clothing, bedding, or other necessaries belonging to any debtor or prisoner shall be sold or given to any prisoner, not being a debtor or a witness detained as set forth in the first Regulation, or a prisoner committed for examination or trial, or officer of the Gaol; and any debtor or prisoner transgressing this regulation shall lose the privilege of receiving or purchasing any wine or malt liquor for such a time as the Resident Magistrate or Gaol Board may deem proper.

15. Debtors, witnesses detained as aforesaid, and prisoners unconvicted, shall be allowed the access of their attorneys and friends at all reasonable times, under such restrictions as may be necessary, in the opinion of the Resident Magistrate, for the discipline and security of prisoners; care being taken that, so far as is consistent with the interests of justice, such prisoners shall see their legal advisers alone. A convicted prisoner, after three months of the term of his sentence have expired, shall, provided his conduct and industry have been satisfactory, be allowed to communicate with his relatives and friends by letter, and to be visited by them in the prison, and subsequently he shall be allowed the same privilege, at intervals to be determined according to his good conduct and industry; provided that such visit be not
repeated, or more than one letter be written, during one
month, unless under some very exceptional circumstances.
No other person shall be allowed to communicate with a
prisoner except by special authority. These privileges may
be forfeited at any time for misconduct or breach of regula-
tions of the prison. The Superintendent or Keeper of the
Gaol may demand the name and address of any visitor to a
prisoner; and, when he has any ground for suspicion, may
search, or cause to be searched, male visitors, and may direct
some female officer to search female visitors, such search not
to be in the presence of any prisoner or of another visitor,
and in case of any visitor refusing to be searched the
Superintendent or Keeper of the Gaol may deny him or
her admission; the grounds of such proceeding and the par-
ticulars thereof to be noted by the Superintendent or Keeper
of the Gaol. The hours for visiting prisoners to be between
3 p.m. and 5 p.m. on Saturday.

16. The Superintendent or Keeper of the Gaol shall, at
his discretion, stop any letters addressed to prisoners (ex-
cepting those sent to debtors and witnesses), and report his
act to the Resident Magistrate, together with his reasons for
so acting, and shall receive from the Resident Magistrate
instructions as to the disposal of such letters.

17. All prisoners, other than debtors and witnesses (who
shall be under no restriction in this respect), shall only be
allowed to write to their friends by permission of the Resi-
dent Magistrate, but must deliver their letters, unsealed, to
the Superintendent or Keeper of the Gaol.

18. No prisoners shall on any pretence be employed on
any work other than public work, either within or without
the Gaol, except with the special written sanction of the
Resident Magistrate, and any such exceptional case shall be
reported by the Superintendent or Keeper of the Gaol in his
monthly return; and any prisoner so employed on public
work, being a skilled labourer, may, when engaged at his
own trade, be credited with a sum of 6d. per diem, which
sum shall be paid to the Superintendent or Keeper of the
Gaol, and handed to such prisoner on his discharge from the
Gaol; this privilege may be forfeited for misconduct or
breach of prison rules.

19. If any criminal offender shall be guilty of repeated
offences, or of any offence against prison discipline, which
the Superintendent or Keeper of the Gaol is not, by the
Governor, in terms of these rules and regulations, empowered
to punish, or if the case be of a serious nature, the Superin-
tendent or Keeper of the Gaol shall immediately report the
same to the Resident Magistrate, who shall have power to
enquire upon oath, and to determine the matter so reported
to him, and to order the offender to be punished in any of
the following ways—viz., by

a. Spare diet.

b. Solitary confinement not exceeding ten days, with
half or full rations, or on a diet of one pound
weight of bread per diem, for any period not
exceeding three days.

c. Flogging, not exceeding 25 lashes.

d. Placing in irons, subject to the provisions of Law
1, 1880.
e. Shot drill.

f. Treadmill.

g. Placing in stocks.

Provided that no person imprisoned in such Gaol under any civil process, and no female and no child under fifteen years, shall be liable to any of the foregoing punishments, except as specified in a and b.

20. No dietary punishment shall be inflicted on any prisoner, nor shall be be placed in any punishment cell, nor shall corporal punishment be inflicted, unless the Medical Officer shall certify that such prisoner is in a fit condition of health to undergo such punishment.

21. Corporal punishment in the case of prisoners over 18 years of age shall be inflicted with a 'cat' or 'birch rod', prisoners under 18 years of age with a birch rod. The instruments, in both instances, shall be of a pattern approved by the Governor in Council; and in no case shall corporal punishment for prison offences be inflicted in the presence of other prisoners.

22. The Superintendent or Keeper of the Gaol shall keep a record of all punishments inflicted in the Gaol.

23. No irons, or other means of restraint, shall be made use of except those of such patterns as have been approved of by the Governor in Council.

24. Every male prisoner of sixteen years of age and upwards sentenced to hard labour shall, during the whole of his sentence, where it does not exceed three months, and during the first three months of his sentence where it exceeds three months, be kept at hard labour of the first-class for such number of hours, not more than ten or less than six (exclusive of meals) in each day, as may be prescribed by the Gaol Board; and during the remainder of his sentence, shall be kept in like manner at hard labour of the first-class, except where during such remainder of his sentence such Gaol Board shall substitute hard labour of the second-class for hard labour of the first-class: provided that if the Medical Officer certifies any such prisoner to be unfit to be kept at hard labour of the first-class during the whole or any part of the prescribed hours, such prisoner shall, during such whole or part of the prescribed hours, be kept at hard labour of the second-class, unless the Medical Officer certifies that such prisoner is unfit to be kept at either class of hard labour during the whole or any part of such hours; provided that prisoners sentenced to hard labour, for periods not exceeding fourteen days, may be kept in separate confinement at hard labour of the second-class during the whole period of their sentences.

25. Every male prisoner, under the age of sixteen years, sentenced to hard labour, and every female prisoner sentenced to hard labour, shall be kept at hard labour of the second-class during such number of hours, not more than ten nor less than six (exclusive of meals) in each day, as may be prescribed by the Gaol Board, unless the Medical Officer certifies that he or she is unfit for hard labour.

26. The child of a female prisoner may be received into prison with its mother, provided that in all such cases an authority from the committing Magistrate for the child's
admission shall accompany the prisoner on reception; and any child so admitted may be kept in the prison with its mother, and shall be supplied with food and clothing at the public expense, so long as the Magistrate or Gaol Board shall certify that such a course is expedient.

27. No prisoner shall be employed at hard labour of the first-class on Sundays, Christmas Day, and Good Friday. No prisoner who is a Jew shall be compelled to labour on his Sabbath.

28. The Medical Officer shall, from time to time, examine the prisoners sentenced to hard labour during the time of their being so employed, and shall enter in his journal the name of any prisoner whose health he thinks to be endangered by the continuance of hard labour of either class, and thereupon such prisoner shall not again be employed at such class of hard labour until the Medical Officer certifies that he is fit for such employment.

29. Such additional clothing and bedding may be issued during severe weather, or in special cases, as the Medical Officer may deem requisite.

Duties and Powers of the Resident Magistrate.

30. The Resident Magistrate in each County shall have a general control over the Gaol and its officers.

31. It shall be his duty to visit the Gaol once at least in every week, at uncertain times, but most frequently at such times as may afford an opportunity to every prisoner, wishing it, to address him.

32. The Magistrate shall often examine and observe the state of the Gaol and the condition of the prisoners, and enforce the observance of Prison Rules in every particular; and shall give his attention with the least possible delay to representations made by the Superintendent or Keeper of the Gaol in reference to such matters as do not come within the limit of his authority.

33. The accounts of Gaol receipts and expenditure are to be transmitted through the department of the Resident Magistrate for audit and payment.

Duties of the Gaol Board.

34. It shall be the duty of this Board to meet at such times as the Governor may direct, but at least once in every month, for the purpose of considering and reporting on any matters connected with the discipline, order, and general condition of the Gaol; and such matters, in addition to any reference made by direction of the Governor, may be brought to their notice by the Resident Magistrate, or by any member of the Board, or by any officer or inmate of the Gaol.

35. Every member of the Board shall have access to the Gaol at all times, and may on any occasion at once communicate to the Superintendent or Keeper any suggestions for the better observance of the regulations or for the better government of the Gaol; such suggestions to be brought to the notice of the Magistrate when he shall next visit the Gaol, and to be submitted to the Gaol Board at the first subsequent meeting.
36. The Superintendent or Keeper of the Gaol shall reside in the house provided for him in those cases where a house is so provided, and shall not absent himself from his duties without the written permission of the Resident Magistrate, through whom his correspondence with the Government shall be carried on. He shall strictly conform to the internal rules and regulations of the Gaol, and shall see that the same are strictly carried out by his subordinates. He shall receive and act upon all lawful orders received by him in writing from the Colonial Secretary or the Resident Magistrate, and all such orders shall be entered in the order book.

37. He shall, on the application of any constable or other officer of the law, receive any prisoner into his custody; but if such prisoner be admitted without a warrant duly signed by a competent authority, it shall be his duty to apply to the Resident Magistrate for such warrant at an early hour on the first lawful day. He shall carry out, without deviation therefrom, all sentences passed upon condemned or convicted prisoners (except sentences of death, which the Sheriff of the Supreme Court must herefore cause to be executed), subject, however, to such modification as the Medical Officer may deem necessary as hereinafter provided.

38. He shall, as far as practicable, keep all prisoners under civil process, and witnesses detained as prisoners, apart from other prisoners, and allow them any indulgences consistent with their safe custody and not contrary to the Gaol Regulations.

39. He shall at all times, when practicable, personally attend the Resident Magistrate, or any member of the Gaol Board, or the Medical Officer, on their visits to the Gaol, and shall duly note in the order book such visits, together with any orders or suggestions that may be made in reference to the management of the Gaol, which orders or suggestions shall be signed by the person giving them.

40. He shall personally superintend the distribution of clothing, rations, and medicines issued to prisoners, and see that the food is good and wholesome, of proper quantity, and in conformity with the contracts and regulations, and he shall immediately report any deviation therefrom to the Resident Magistrate.

41. He shall duly enter in the visitors' book the name of each visitor, and the occasion and date of each visit.

42. He shall carry out all sentences of hard labour, and shall supply the greatest possible number of prisoners for the public works, retaining no more for the labour of the prison than are absolutely necessary.

43. He shall immediately report the death of any prisoner to the Resident Magistrate, as also any escape or attempt to escape of any prisoner, in order that an immediate enquiry, if necessary, may be made.
44. He shall keep the following books:

No. 1.—Visitors’ book.
No. 2.—Gaol register.
No. 3.—Punishment record book, being a note-book in which the Magistrate and Superintendent or Keeper of the Gaol enter all cases of prisoners tried in the Gaol.
No. 4.—A record book of articles taken from the prisoners.
No. 5.—Occurrence book.
No. 6.—A record of daily employment of prisoners.
No. 7.—Minute book, in which all reports, &c., made by the Superintendent or Keeper of the Gaol are copied.
No. 8.—Annual inventory of furniture, movable property, &c., belonging to the Gaol.
No. 9.—Stock book, showing (monthly) issues and balances of provisions and clothing.
No. 10.—Infirmary book.
No. 11.—Order book, in which orders received from the Governor and the Resident Magistrate, and visits and suggestions of the Officers of the Gaol Board, are to be entered.
No. 12.—Ration book.
No. 13.—Gaol Board Minute Book, in which all proceedings of the meetings of the Gaol Board shall be entered.

45. He shall, in all cases of corporal punishment exceeding twelve lashes, before inflicting the punishment, give notice to the Medical Officer of the Gaol that such punishment is about to be inflicted, and of the name or names of the person or persons upon whom, and of the time at which such punishment is about to be inflicted.

46. He shall at all times, when practicable, personally superintend the infliction of corporal punishment. He shall daily inspect the prison and all parts and appurtenances thereof, and shall especially examine all fastenings, and other means of ensuring the safety of the prisoners. He shall at least once during the week go through the Gaol at an uncertain hour of the night, which visit, with the hour and state of the Gaol at the time, he shall record in the occurrence book. When visiting female prisoners he shall be attended by a female. He shall every morning personally inspect all gangs of prisoners sent out to work, and see that the proper Guards are in attendance, and shall cause the Superintendent of Convicts, when such officer is appointed, to sign a receipt in the occurrence book for the number of prisoners received by him.
47. He shall at all times, when practicable, be personally present to receive the principal gangs on their return from labour, and receive and take down in writing any reports of misconduct of prisoners made by the Superintendent or Guards, and shall, in such case, read over the said report to the prisoners implicated, and take down such answers as they may severally make to such charge, and then, if necessary, report the same forthwith to the Resident Magistrate for his information.

48. Superintendents and Keepers of Gaols on whom the Governor shall see fit to confer the power, shall have and exercise a summary jurisdiction in trying and punishing the following transgressions against the prison regulations, and, until the Governor shall confer this power upon the Superintendent or Keeper of the Gaol in any case, the Resident Magistrate shall have and exercise summary jurisdiction, namely:

a. Refusal to obey lawful orders, or insolence or disrespect in language or manner towards the Superintendent or Keeper of the Gaol or any of his officers.

b. The committal of any nuisance or indecency, or neglecting the rules of personal cleanliness.

c. Absence without any satisfactory reason at muster, or failing to answer name when the roll is called.

d. Swearing or using blasphemous or foul language, or using abusive language to or threatening any fellow prisoner.

e. Neglect in performing any prescribed work in or about the Gaol, or carelessness or inattention in doing the same.

f. Any wanton destruction of, or damage to, tools, implements, clothing, bedding, food, or generally, any article the property of the Government, or appertaining to the Gaol, or used in the works on which prisoners may be employed; or defacing any notice or writing having reference to any matter or business relating to the Gaol.

g. Any contravention of Sections 11 and 12 of these Regulations by prisoners.

h. Irreverent behaviour at divine service by any prisoner.

i. Absence from divine service, except when attendance is dispensed with in terms of Rule 8.

j. Feigning illness.

k. Any offence against the "Rules to be observed by prisoners" hereinafter mentioned.
49. All the above acts are declared to be offences against prison discipline, and it shall be lawful for any Superintendent or Keeper of a Gaol, so empowered and appointed as in the preceding section set forth, to examine any person touching such offences, and to determine thereupon, and, in the event of any of the above offences being proved to his satisfaction, to award to any prisoner so offending two hours extra labour per diem, in the necessary cleansing of the prison, for one, two, or three days consecutively; or he may place such prisoner for one, two, or three hours in the stocks, which punishment may be repeated for two or three days consecutively, if deemed necessary; or he may, for any such offence as aforesaid, sentence said prisoner so offending to half rations for one, two, or three days, or three days' solitary confinement, with half or full rations, or to be employed at shot drill or on the treadmill for one or two hours per diem, on one, two, or three consecutive days: but in every such case he shall duly enter in the punishment book the particulars thereof, together with the punishment inflicted, and clearly state and duly enter the particulars thereof in his prison return. No prisoner shall be punished until he has had an opportunity of hearing the charges and evidence against him, and of making his defence. This rule shall not relieve such Superintendent or Keeper of a Gaol from the duty of at once reporting to the Resident Magistrate any case which he may consider of too serious a nature to be dealt with by himself.

50. The Superintendent or Keeper of the Gaol shall keep a record of the conduct of all prisoners, to be submitted once in every month to the inspection of the Resident Magistrate, who may, in cases of general good conduct, recommend for the consideration of the Governor a commutation or remission of the unexpired period of the imprisonment, subject to the provisions of Law 9, 1876, and the rules framed thereunder.

51. He shall at all times ascertain that the Convict Guard are in a fit state for the efficient performance of their duties, and that their arms and equipments are in proper and serviceable condition.

52. He shall cause the instructions of the Medical Officer to be fully carried out, and shall report to the Resident Magistrate any neglect of, or refusal to comply with, such instructions on the part of the attendants on the sick, or of the sick prisoners themselves. He shall also issue, on the request of the Medical Officer, such medical comforts as may be deemed necessary, and the Medical Officer shall duly enter every such order in the infirmary book, so that it may appear in the report of the Superintendent or Keeper of the Gaol, who shall produce the infirmary book, together with his accounts, at the termination of each month, to the Resident Magistrate, in order that the accuracy of such accounts may be tested.

53. He shall bring to the notice of the Resident Magistrate the case of any child of tender years, who may be sentenced to imprisonment in the prison, in order that the Resident Magistrate may, if he think fit, report the case to the Governor.
54. He shall use his best endeavours to assist in the identification of prisoners, and, with that object, shall furnish to the Superintendent or Keeper of any other Gaol and to the Police any information in his power.

55. He shall notify to the chaplain, or to some minister of the religious denomination to which a prisoner belongs, any case in which the life of such prisoner appears to be in danger.

56. It shall be competent for the Superintendent or Keeper of the Gaol, in case of any unforeseen accident happening to any portion of the building, if the repairs thereto can be effected by himself and the prisoners under his charge, forthwith to effect the same; but when any expenditure of public money shall be necessary, then he must report the accident to the Resident Magistrate, and forward a report thereon to the Colonial Engineer.

57. He shall hear the reports of the several officers employed in and about the Gaol, and any complaints made by prisoners every day, at such hour as shall be most convenient.

58. He shall take care that every prisoner having a complaint to make, or request to prefer to him, shall have ample facilities for doing so, and he shall redress any grievance, or take such steps as may seem necessary, recording the same in the appointed manner.

59. He shall forward to the Resident Magistrate, without delay, any report or complaint which any officer of the Gaol may desire to make, and shall on no account suppress it, but he may offer any explanation with it which it may seem to require.

60. He shall inform the Gaol Board of any prisoner who desires to see them.

61. He shall enforce the observance of silence throughout the Gaol, and prevent all intercourse or communication between the prisoners, so far as the conduct of the business of the Gaol or the labour of the prisoners will permit, and shall take care that all necessary and unavoidable intercourse or communication between them be conducted in such manner only as he shall from time to time direct.

62. No article, whether of food, bedding, or clothing, or of any other kind, shall be received into the Gaol until it has been examined, to ascertain that it contains nothing contrary to the rules of the Gaol, and the admission of any article which appears likely to be used for an improper purpose may be refused by order of the Superintendent or Keeper of the Gaol. The Superintendent or Keeper of the Gaol shall personally inspect the food, clothing, and bedding issued to prisoners, and see that it is sufficient and of proper quality and that the food is in accordance with the dietary scale.

Rules for the Matron.

63. The Matron shall reside in the Gaol. She shall have the care and superintendence of the whole female department. The wards, cells, and yards where females are confined shall be secured by locks different from those securing the wards, cells, and yards allotted to male prisoners; and the keys of those locks shall be kept in the custody of the Matron.
64. She shall, so far as practicable, visit and inspect every part of the Gaol occupied by females, and see every female prisoner, once at least in every twenty-four hours, and in default of such daily visits and inspections she shall state in her journal how far she has omitted them, and the cause thereof. She shall, at least once during the week, go through such part of the Gaol at an uncertain hour of the night, which visit, with the hour and state of such part of the Gaol at the time, shall be recorded in her journal.

65. She shall not be absent from the Gaol for a night without permission in writing from the Resident Magistrate, on the recommendation of the Superintendent or Keeper of the Gaol; and her leave of absence, with the name of the Magistrate granting it, shall be entered in her journal: But if absent without leave for a night, from unavoidable necessity, she shall state the fact, and the cause of it in her journal.

66. She shall, with the consent of the Superintendent or Keeper of the Gaol, and with the approval of the Resident Magistrate, appoint a female officer to act as Deputy-Matron whenever she is absent on leave from the Gaol; and, during such absence, the Deputy-Matron shall have all the powers and duties of the Matron. Before leaving the Gaol, the Matron shall personally give over the charge of the part of the Gaol occupied by females to the Deputy-Matron.

67. She shall keep a journal, in which she shall record all occurrences of importance within her department, and punishment of female prisoners; and lay it before the Superintendent or Keeper of the Gaol daily, and before the Gaol Board at its ordinary meetings.

68. She shall take care that no male officer or visitor enters the division of the Gaol allotted to females, unless accompanied by herself or some other female officer.

**Rules for the Medical Officer.**

69. The Medical Officer shall visit the Gaol daily, and shall also visit the Infirmary, and leave written instructions with the nurse or person attending the Infirmary as to medicines to be given and treatment to be pursued in reference to any sick patients. In the event of the absence of the Medical Officer by reason of private practice, it will be incumbent on him to arrange with some other duly qualified medical officer to visit the Gaol as his stead, whether any case of sickness shall be known to have arisen or not, and should he fail to make such arrangement, he must report the circumstance to the Resident Magistrate for the Governor's information.

70. Cases of serious illness, in which delay may endanger the life of the patient, shall be reported immediately by the Superintendent or Keeper of the Gaol to the Medical Officer, who shall be bound to attend the patient as soon as possible; such report to be made in writing, and duly entered in the Report Book. Other cases of sickness shall be reported to the Medical Officer on his daily visits to the Gaol. All cases of sickness, and the recovery of every patient, shall be entered by the Superintendent or Keeper of the Gaol in the Infirmary Book. The Medical Officer shall, from time to time, examine the prisoners employed at
hard labour, and shall report and enter in his journal the name of any prisoner whose health he thinks to be endangered by continuance at hard labour of any particular kind, and report the same to the Superintendent or Keeper of the Gaol, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment. He shall report to the Superintendent or Keeper of the Gaol any case in which the discipline or treatment seems likely to injure the health or endanger the life of any prisoner, and the Superintendent or Keeper of the Gaol shall issue such directions as the circumstances may require, but shall, as soon as possible, report the case to the Resident Magistrate.

71. He shall inspect the cells, and certify as to the health and cleanliness of the Gaol, and its sanitary state, once every month.

72. He shall enter in the Infirmary Book the particular hours of his visits; and also an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner. He shall report periodically and from time to time, as may be directed, on the general health and sanitary condition of the establishment, the health of the officers, their capability for performing their duties, the health of the prisoners, and in reference to any other point upon which he may be directed to report.

73. Every prisoner shall, as soon as possible after his admission, be examined by the Medical Officer, who shall enter in the Gaol Register a statement of the condition of the prisoner's health, and any observations thereon that may be useful; and shall inform the Superintendent or Keeper of the Gaol of any particular point which he may become aware of in regard to the prisoner's person which might assist in identifying him.

74. He shall report to the Superintendent or Keeper of the Gaol the case of any prisoner to which he may think it necessary, on medical grounds, to draw attention; and whenever he shall be of opinion that the life of any prisoner is endangered by his continuance in prison, he shall state such opinion and the grounds thereof, in writing, to the Superintendent or Keeper of the Gaol, who shall duly report the circumstance to the Resident Magistrate.

75. He shall, in cases where more than twelve lashes are inflicted, attend and be present at the infliction of corporal punishment in the Gaol; and no corporal punishment exceeding twelve lashes shall be inflicted except in his presence; and he shall, before the infliction of such punishment, certify in the case of each prisoner upon whom the punishment is about to be inflicted, that the said prisoner is in a fit state of health to undergo such corporal punishment.

76. He shall stop any such punishment at any period of its infliction at which it may appear to him that its continuance may endanger the life of the prisoner; and in every such case he shall certify in the punishment record book such act, and the medical reasons by which he was guided.

Rules for the Guidance of Turnkeys.

77. Turnkeys employed at the Gaol are under the immediate supervision of the Superintendent or Keeper of the Gaol, and are required at all times to carry his lawful instructions into effect.
78. The guard duties of the Turnkeys shall be divided into two or three watches, to be regulated by the Superintendent or Keeper of the Gaol, subject to the approval of the Resident Magistrate. No person shall be permitted to sleep in the apartments of any Turnkey or other subordinate officer of the Gaol without permission from the Superintendent or Keeper of the Gaol, and such permission shall be reported by the Superintendent or Keeper of the Gaol in his monthly returns.

79. A Report Book shall be kept, in which each Turnkey shall enter the hour at which he went on duty, and detail any occurrence which may happen during his watch; every such report to be signed by the Turnkey making it. Each Turnkey will have to attend punctually at the time his duties commence. No Turnkey shall leave his post until he be relieved by the Turnkey appointed to take his place on duty. Any infringement of this rule will be reported to the Resident Magistrate.

80. Any unnecessary intercourse on the part of a Turnkey with the prisoners, or even speaking to them, unless required to do so in the performance of some necessary duty, will subject the offender to be reported to the Resident Magistrate; and the Turnkeys are not to allow any person to hold communication with any prisoner at any time, without express permission of the Resident Magistrate or Superintendent or Keeper of the Gaol.

81. No officer of the Gaol shall bring or carry, or endeavour to bring or carry, or knowingly allow to be brought or carried, to or for any prisoner, any money, clothing, or provisions, tobacco, letters, papers, spirits, wines, beer, or other fermented liquors, or any article whatsoever, otherwise than as allowed by the rules of the Gaol.

82. No officer shall have any pecuniary dealing whatsoever with any prisoner, or employ any prisoner on his private account, nor shall he correspond with nor hold any intercourse with the friends or relatives of any prisoner, unless expressly authorised by the Superintendent or Keeper of the Gaol; nor shall he make any unauthorised communications concerning the prison or prisoners to any person whomsoever.

83. In case of any refreshments being required for the use of debtors or witnesses, it will be the Turnkey’s duty to inform the Superintendent or Keeper of the Gaol that such are needed, he alone being authorised to order such refreshments.

84. Turnkeys shall not allow any prisoners to receive letters before they have been inspected by the Superintendent or Keeper of the Gaol; nor will prisoners be allowed to send any letters, messages, or writing of any description whatsoever from the Gaol without the consent of the Superintendent or Keeper of the Gaol.

85. Turnkeys on night or early morning duty are to keep strict watch; one of the Turnkeys on duty shall once in every hour walk round the Gaol to see that all is well. It is also required that Turnkeys shall, after lights are put out, enforce silence in the Gaol with all possible strictness.
86. Turnkeys shall carefully avoid all harshness in language or manner in their treatment of the prisoners under their charge, but at the same time firmly insist on obedience to the rules of the Gaol, and to the orders given to the prisoners; and all acts of disobedience committed by the prisoners are to be reported as early as possible to the Superintendent or Keeper of the Gaol.

87. No subordinate officer, on any pretence whatever, shall fail to make an immediate report to the Superintendent or Keeper of the Gaol of any misconduct or wilful disobedience of the prison regulations.

88. No Turnkey shall use any personal violence towards any prisoner unless he be compelled to do so for his own protection, or to prevent escape or acts of violence on the part of the prisoner.

89. Turnkeys commencing day duty shall inspect all doors and windows in and about the Gaol, and the fastenings of the same, and enter in their report book their reports to the Superintendent or Keeper of the Gaol.

90. Any Turnkey manifesting any want of respect to his official superiors, or being guilty of disobedience of orders, or of drunkenness, or of any act contrary to the regulations of the Gaol, shall be reported by the Superintendent or Keeper of the Gaol to the Resident Magistrate, and by the latter, should he deem it necessary after due investigation, to the Governor; and the Magistrate may, should he deem it advisable, suspend the offender, pending such investigation and the receipt of the instructions from the Governor.

91. Turnkeys shall not allow any prisoner (unless he be employed on public works in cleaning, cooking, or doing other indispensable work about the Gaol that may have been ordered by the Superintendent or Keeper of the Gaol) to be out of his cell except during the appointed hours for exercise.

92. Should any prisoner report himself to any Turnkey on duty to be unwell, or should appear to be so, the Turnkey shall report the case to the Superintendent or Keeper of the Gaol without delay, and note the same in the report book.

93. Turnkeys on duty shall attend to the complaints or requests of any prisoner, and report them to the Superintendent or Keeper of the Gaol without delay, and note the same in the report book.

94. All prisoners shall be searched on their return from work.

95. Every officer shall treat members of the Gaol Board with due respect. Any infringement of this rule will render the offender liable to severe punishment.

96. No officer shall use tobacco or spirituous liquors within the prison walls, except under such restrictions, as to time and place, as may be laid down by the Superintendent or Keeper of the Gaol, and approved by the Gaol Board.
97. When prisoners are employed on public works, beyond the precincts of the Gaol, the Guards placed over them will be responsible, in so far as may depend upon their vigilance, for the safe-keeping, proper conduct, and industry of the prisoners.

98. The Convict Guards shall attend at the Gaol, punctually at the appointed hour in the morning, and shall take over the gang, or working party, the Chief Convict Guard in charge of each party signing a receipt for the number of prisoners delivered into his charge.

99. They shall, on their return at an appointed hour in the evening, remain in attendance until the prisoners shall have been counted, and searched, and taken over by the officers of the Gaol.

100. They shall not absent themselves, unless by permission, during the day, and shall, in so far as the nature of the work may allow, have the prisoners always in their sight and under their supervision.

101. They shall abstain from any unnecessary intercourse with any prisoner, and not speak to him, except when some necessary duty shall require it; and shall not allow any one to hold communication with him at any time without express permission.

102. They shall not bring or carry, or allow to be brought or carried, to or for any prisoner, any money, clothing, provisions, tobacco, spirits, wine, beer, or other fermented liquor, or letters, or papers, or any other article whatsoever.

103. They shall not have any pecuniary or other dealing with any prisoner, nor employ any prisoner for their private purposes; nor correspond nor hold any intercourse with the friends or relatives of any prisoner, unless by the express permission of the Superintendent or Keeper of the Gaol; nor shall they, without such permission, make any communication, or afford any information, concerning the prisoners to any person whomsoever.

104. They shall avoid all harshness of language or conduct towards any prisoner, but at the same time they shall strictly insist on his obedience to any lawful order, and on his efficient and industrious performance of the work assigned to him.

105. They shall not, on any pretext, fail to report to the Superintendent or Keeper of the Gaol any misconduct of the prisoners, or of any one of them.

106. They shall not use any personal violence towards a prisoner, except in self-defence, or to prevent his escape, or any act of violence on his part. They shall show due deference and respect to every superior officer, and to the members of the Gaol Board.

107. If a prisoner complain of ill-health—or appear to be suffering from it—the Convict Guards must, at the close of the day, report the fact to the Superintendent or Keeper of the Gaol; and in case of serious illness or accident, they shall at once send, if possible, the prisoner, in proper custody, back to the Gaol.
Rules to be observed by Prisoners.

108. Should any prisoner have any complaint to make, he shall do so either to the Turnkey on duty, to the Superintendent or Keeper of the Gaol, or to the Resident Magistrate, or to any member of the Gaol Board.

109. A prisoner who has any complaint to make regarding the quantity or quality of the diet furnished to him, or wishes his diet to be weighed, or measured, to ascertain whether he is supplied with the authorised quantity, must make his request so soon as possible after the diet is handed to him, and it will be inspected in his presence, and in that of the officer deputed for the purpose. Should, however, repeated complaints of a groundless nature be made by any prisoner under colour of this rule, with the evident purpose of giving annoyance or trouble, it shall be treated as a breach of prison discipline, and the offender will be liable to punishment accordingly. All Gaols should be provided with the necessary weights and measures.

110. Should any prisoner feel himself unwell, or incapacitated for the work he is called upon to do, he shall report himself to the Turnkey on duty, or to the Superintendent or Keeper of the Gaol, who shall have him examined by the Medical Officer.

111. Prisoners shall obey the rules and regulations of the prison and the lawful orders of the Superintendent or Keeper of the Gaol and Turnkeys, and of any other officers or persons set over them; and shall be respectful in their conduct and language to all such officers and persons, and to all persons engaged at or about the Gaol, and upon public works on which prisoners may be employed.

112. Prisoners shall obey the rules and regulations as regards washing, bathing, haircutting and shaving, as may be from time to time established with a view to proper maintenance of health and cleanliness.

113. Prisoners shall keep their cells, utensils, clothing, and bedding clean, and sweep the yards, passages, and other parts of the prison as may be directed, unless provision for the performance of these duties is otherwise made in accordance with the rules; or a sufficient number of prisoners may be retained daily at the Gaol for carrying out these works.

114. Silence, night and day, must be observed; singing, shouting, or whistling in the cells or yards is strictly prohibited.

115. Prisoners sentenced to hard labour are required to perform such tasks as may be required of them promptly, energetically, and without murmur or dispute.

116. When prisoners are sent beyond the precincts of the prison to work, they shall be quiet and well conducted, and obedient to the orders given them, and there shall be no loud talking, singing, shouting, whistling, dancing, or other unseemly behaviour.

117. In the event of any prisoner desiring to speak to the Colonial Engineer, or other officer or person in charge of the works upon which he is employed, he shall inform the Superintendent of the works, or, in his absence, one of the Convict Guards, who shall take the earliest opportunity of informing the Colonial Engineer or other officer or person referred to.
118. No prisoner shall on any account leave the place at which he is stationed or the work assigned to him without the sanction of the Superintendent of the Works, or, in his absence, that of the Convict Guard under whose charge he may be.

119. Every prisoner must understand distinctly that should he make an attempt to escape from custody at any time whilst undergoing sentence, whether within the Gaol or whilst going to or from, or whilst employed upon, any works, or at any other time or place, he will be stopped and captured at all hazards, and that the convict guards and police have strict orders in such case to use without hesitation the weapons with which they are armed, even to the extent of inflicting serious injury or of killing the prisoners so attempting to escape.

120. Throughout these Rules and Regulations, the term "Resident Magistrate" shall include the Acting or Assistant Resident Magistrate.

121. A copy of these Rules and Regulations, printed in large type, shall be exhibited in a principal corridor of the Gaol. Tearing down or defacing the same shall render the offender liable to punishment.

C. B. H. MITCHELL,
Colonial Secretary.

Colonial Secretary's Office, Natal, June 1, 1884.

Regulations for District Prisons with Gaolers or European Constables and Gaolers on the Establishment.

The Gaoler shall, every night after 9 o'clock, ascertain by personal inspection of every cell that every prisoner is safe in the Gaol; and, not less than once in each week, between the hours of 11 p.m. and 4 a.m., he shall, in company with a Turnkey or Constable, go round the cells and personally ascertain that all is right. He shall record his visit, and the hours at which the rounds were made, in a time-book kept for the purpose; and he shall submit such time-book for the inspection of the Magistrate weekly. In prisons where the offices of Constable and Gaoler are combined, this rule shall be carried out whenever the Gaoler is present at the seat of Magistracy.

In Gaols where Night Turnkeys are employed, the duty of each Night Turnkey shall extend from 9 p.m. to 6 a.m.

C. B. H. MITCHELL.
Colonial Secretary.

Colonial Secretary's Office, Natal, 1st June, 1884.
APPENDIX M.

(See Report, p. 33.)

[No. 10, 1883.]

BILL,

(AS PROPOSED TO BE AMENDED BY MR. ESCOMBE.)

"For Preventing Nuisances Injurious to Public Health."

WHEREAS it is expedient to provide for the protection of the public health:

BE IT THEREFORE ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. The Governor shall, by proclamation in the "Natal Government Gazette," divide the Colony into Sanitary Districts, and may from time to time, by proclamation as aforesaid, alter or sub-divide such districts.

2. The Governor may appoint fit and proper persons as Sanitary Inspectors within such districts, and may from time to time remove or dismiss such Sanitary Inspectors.

3. Every Inspector so appointed shall have and exercise within the district under his supervision power to carry out the provisions of this Law.

4. Every such Inspector shall, from time to time, inspect every sugar mill, distillery, wool-washing establishment, factory, or other manufacture, and all premises where a noxious or offensive trade is carried on within his district. Every such Inspector may, in the exercise of the powers conferred by this Law, enter upon any private lands, and shall have free access to all buildings, premises, and appurtenances used in carrying on any manufacture or noxious trade.

5. Whenever it shall appear to any such Inspector that the manufacture, or trade, or business is carried on in a manner likely to be injurious to health, it shall be competent for the Inspector to require, by notice in writing addressed to the proprietor, manager, renter, or agent of the premises, hereinafter called the occupant, to adopt sufficient means to prevent the evil,
6. Every occupant who, when directed by an Inspector to adopt such means as will abate the nuisance, shall fail to do so within from the date of the written notice therein referred to, shall forfeit and pay the sum of £ sterling, and a further penalty of £ for every subsequent month or part of a month of such non-compliance.

7. Every occupant who shall refuse to allow any Inspector to enter upon his land, or to have free access to any such mill or distillery, or who shall not, when required by any Inspector, render all reasonable assistance, or who shall in any way impede or hinder any Inspector, shall forfeit and pay the sum of £ for each offence.

8. Every occupant shall provide a suitable supply of water for drinking, cleaning, and other purposes.

9. For every contravention of the foregoing section there shall be paid a fine of £ by the proprietor, renter, or manager failing to carry out the provisions thereof.

10. Every person who shall commit a nuisance at a place or in a manner calculated to injure the public health shall forfeit a penalty not exceeding £ for every such offence.

11. Whenever any occupant shall have been convicted before the Resident Magistrate on three separate occasions of having failed to comply with any written notice given by any Inspector in terms of this Law, the Inspector may cause the manufacturing, trade or business from which the nuisance proceeds to be closed, until approved steps have been taken to prevent the recurrence of such nuisance; provided that the power given by this section shall not be exercised except upon an Order of Court obtained on due notice given to the occupant.

12. All contraventions of this Law, for which no penalty is specified, shall render the person so contravening liable to a penalty not exceeding £ for every such contravention.

13. All prosecutions under this Law shall be conducted at the instance of an Inspector by the Clerk of the Peace of the County or Division, or by some proper Officer deputed by him on that behalf, and shall take place in the Court of any Resident Magistrate having jurisdiction; provided, however, that any contravention for which a higher penalty than £ is fixed, shall be prosecuted by the Attorney-General by indictment before the Supreme Court or any Circuit Court having jurisdiction.

14. This Law shall not extend to any Borough created under Law 19, 1872, nor to any Township established under Law 11, 1881.

15. This Law shall commence and take effect from and after the promulgation thereof in the Natal Government Gazette.
APPENDIX N.

LEPROSY.

See Report, p. 60, and Appendix B, pp. 486-503, supra.

Colonial Office to Royal College of Physicians.

Downing Street, 19th February, 1887.

Sir,—I am directed by Secretary Sir Henry Holland to request that you will call the attention of the Royal College of Physicians to the fact that, within recent years, the question of the compulsory segregation of Lepers has attracted the attention of various Colonial Governments, in different parts of the world; that in one Colony an act has been passed bearing in this direction; and that circumstances might easily arise which would call for a definite decision of the Secretary of State on the subject.

In the years 1867 and 1876, the circular despatches, of which copies are annexed for reference, were addressed to the various Colonial Governments in support of the opinion that Leprosy was not contagious. These despatches were based on reports of the Royal College of Physicians to that effect.

This opinion, however, has never been accepted by the general public of those Colonies where Leprosy is endemic. A section of the local medical practitioners has held persistently the opposite view; and of late years the prevalence of this contrary opinion has decidedly increased, while it is supported by a growing desire of the community generally to guard themselves against danger from so loathsome a disease.

Under these circumstances, Sir Henry Holland would be obliged to the President of the College of Physicians if he would inform him whether the experience of recent years has shown any reason for questioning the opinion formerly held by the College; and whether, in his opinion, compulsory segregation of Lepers is a measure which should receive the sanction and approval of the Secretary of State.

I am, &c.,

(Signed) EDWARD WINGFIELD.

The Registrar of the Royal College of Physicians.

Royal College of Physicians to Colonial Office.

Royal College of Physicians,
London, S.W., 16th August, 1887.

Sir,—Referring to your communication of the 19th February last, addressed to the College on the subject of
Leprosy, I have the honour, by direction of the College, to forward the following reply for the information of Secretary Sir Henry Holland.

The College is quite aware that there is much difference of opinion respecting the communicability of Leprosy, and that many Colonial practitioners and inhabitants do not concur in the views expressed by the College in its report in 1867.

The College is of opinion that, if there be any elements of contagion in Leprosy, they are not to be more dreaded than are those in the case of Syphilis, which is not commonly considered to justify compulsory segregation on the part of those affected.

The College believes that Leprosy is not contagious in the conventional sense of the term, but, if at all, is only so in low degree, and under exceptional circumstances.

The College is of opinion that a further investigation into some of the more recondite points respecting the pathology of the disease would confirm or remove any doubt that may still remain as to the question of communicability, and it, therefore, recommends that the Government should institute such an investigation as this College might direct, and report on to the Government when completed.

Whilst the College does not believe compulsory segregation to be justifiable, the encouragement of Leper Asylums or Houses properly regulated it considers most desirable, such Asylums not to be regarded as prisons, and so arranged as not to prove foot for intensifying the disease, but as refuges where kindness, care, and enjoyment of the simple though necessary conditions of a healthy life would be ensured.

In this direction the College strongly recommends State interference and assistance.

I am, &c.,

(Signed) HENRY A. PITMAN,

Registrar.

Edward Wingfield, Esq.
<table>
<thead>
<tr>
<th>HUSBAND</th>
<th>WIFE</th>
<th>Date of Marriage</th>
<th>Date of Registration</th>
<th>Remarks, and Signature of Registrar</th>
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<tbody>
<tr>
<td>Ship</td>
<td>Name</td>
<td>Number in General Register</td>
<td>Abode</td>
<td>Ship</td>
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REGISTER OF MARRIAGES UNDER SECTION 14, ACT 12 OF 1872.
<table>
<thead>
<tr>
<th>Ship.</th>
<th>Colonial Number.</th>
<th>Names of Women.</th>
<th>Whether Married or Single.</th>
<th>If Married, Name and Number of Husband.</th>
<th>Date of Registration.</th>
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V.—MARRIAGES.

Two hundred and sixty-one (261) marriages of Indian Immigrants have been registered during the same period, for the most part amongst those newly arrived, the Old Immigrants having availed themselves of the opportunity whilst in their native country to obtain wives of their own caste.

The registration of marriages causes a good deal of litigation, and cases under Section 18, of Law 12, of 1872, have very frequently to be decided by the Protector of Immigrants. As the Law now stands, the Protector is compelled to register all marriages which may be reported, Indian Immigrants being also required, under a penalty of £5, to report their marriages to him within one month of their occurrence (see Sections 13 and 14, of Law 12, of 1872). The result is that, with the custom common amongst these people of contracting their daughters in marriage at a very early age, when the time comes for the ratification of the contract the girl as often as not refuses to live with her husband, and in the absence of the strong public opinion, so to speak, which would act upon her were she in India, obtains her own way. The Protector is appealed to, and if adultery be proved, can punish; but he has no power, even were it desirable, to compel the girl against her inclinations. No provision having been made for divorce, the necessity an Indian is under of suing for the restitution of conjugal rights or for a divorce in the Supreme Court of the Colony is often felt to be a hardship, as the expense of such a course is, as a rule, altogether beyond his means. I am of opinion that the time has arrived for a re-consideration of this question, and I say it subject to correction, but it appears to me desirable that there should be an assimilation of the practice regarding Indians to that which obtains with respect to our native population. A Kaffir who seeks a divorce may apply to the Magistrate of his Division, and on payment of a small fee his application can be granted if he succeeds in establishing his case. The penalties, too, which are incurred by the Indian who has committed adultery, namely, one month’s imprisonment, with a fine of £10, and, at the discretion of the Court, a flogging not exceeding twenty lashes, appear to be excessive when the description and, too often, character of the woman are taken into consideration.
GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE, AGRICULTURE AND COMMERCE.

EMISSION.

TO THE RIGHT HONOURABLE VISCOUNT CRANBROOK,
Her Majesty's Secretary of State for India.

Simla, the 24th October, 1878.

My Lord,—We have the honour to acknowledge the receipt of Your Lordship's despatch No. 80 (Public—Emigration), dated the 25th July last, forwarding a letter from the Colonial Office, in which are enclosed a despatch from the Lieutenant-Governor of Natal, and the Report of the Protector of Immigrants in that Colony for 1877. Your Lordship desires to be furnished with any observations we may have to make on these papers, and especially on the subject of the penalties for adultery in force in the Colony among the immigrant population.

2. The only points which seem to demand notice from us are those which relate—

(I) To the law regarding marriage and divorce, and the penalties for adultery (paragraphs 5 and 6 of the Lieutenant-Governor's letter, and paragraph 5 of the Protector's Report);

(II) To the classification of labourers into "able-bodied" and not "able-bodied" paragraph 7 of the Lieutenant-Governor's letter, and paragraph 9 of the Protector's report;

3. The difficulties which are brought to notice in connection with the first of the two subjects above noted refer—

(a) To the litigation arising out of the registration of child marriages;

(b) To the absence of provision for divorce;

(c) To the excessive penalties imposed for adultery.

4. As regards the registration of child marriages, the Protector states that he is powerless, under the present law (Sections 13 and 14 of Law No. XII of 1872), to refuse to register marriages of which he receives a return, and that as it is the custom for Indians to contract their daughters in marriage at a very early age, the wife, when she grows up, often refuses to live with her husband, who has no redress except by a suit for the restitution of conjugal rights.

* Paragraph 5 of his letter. The Lieutenant-Governor in his remarks* on this matter, seems to misapprehend the exact nature of the connections referred to; he speaks of them as mere betrothals, and suggests that if they were separately registered as betrothals, not as marriages, the litigation to which the Protector
refers might be avoided. These connections are, however, according to Hindu Law, true and indissoluble marriages; under Muhammadan law also, if the children are contracted in marriage by their fathers or grandfathers, they are bound by the contract on arriving at puberty.

5. We have already dealt with this subject in our No. 43, dated the 25th August, 1874, despatches noted in the margin, in which we suggested No. 34, dated the 3rd October, 1875, that the ages of 16 and 13 should be fixed as the minimum limit of competency to contract marriage for men and women respectively. If this suggestion is adopted, child marriages would cease among immigrants in our colonies, and the inconvenience complained of be brought to an end. Real betrothals, as pointed out in paragraph 4 of our despatch of the 25th August, 1874, are mere civil engagements, the breach of which involves an action for damages.

6. With respect to divorces, it appears that at present an Indian can obtain one only from the Supreme Court of the Colony. The Protector suggests that the procedure now followed in the case of the Native Kafir population, who can obtain divorces by application to Magistrates on due cause shewn, should be extended to Indians. On this point, also, we have already expressed our opinion in the correspondence referred to in paragraph 5 above. We stated that, in our view of the case, the personal laws of the parties concerned should be followed so far as they were applicable, registration only being required to render the divorce valid in the Colony. A Muhammadan might thus divorce his wife for any of the reasons recognised by his personal law; a Hindu (apart from the special customs referred to in paragraph 21 of our despatch of the 3rd instant) could not obtain a divorce while remaining a Hindu. Whether it would be desirable to allow one of the parties to a Hindu marriage, the other party still professing the Hindu religion, to obtain a divorce on his or her declaration that he or she renounced the personal law involved in the profession of that religion, is a difficult question. On the whole, we are disposed to think that it would be safest to leave this matter as it is left by our despatch of the 3rd instant, giving the power to obtain divorce to those persons only who are either entitled to obtain it according to their personal law (as Muhammadans) or who have contracted a civil marriage, thereby renouncing their personal law in this respect, and bringing themselves under the general law of the Colony. In the latter case, there would appear to be no objection to affording the immigrant the advantages of a cheaper procedure than that involved in a resort to the Supreme Court, provided, of course, that the procedure is sufficiently guarded against irregularity, and the risk of allowing divorce on inadequate grounds. In connection with this subject, we would invite Your Lordship's attention to the Indian Act XXI of 1866 ("an Act to legalise, under certain circumstances, the dissolution of marriages of Native converts to Christianity"); it is possible that the condition of things in some Colonies resorted to by Hindu emigrants may call for some measure of the kind.

7. The law regarding adultery is contained in Section 18 of Law XII of 1872, which fixes the penalty for the man at £10 fine, imprisonment for a period of not exceeding thirty days, and, at the discretion of the Court, a flogging not exceeding thirty lashes. Thus, while the period of imprisonment and the addition and severity of the flogging are at the discretion of the Protector (the official charged with the adjudication of these cases), the fine is absolutely fixed, and
no less amount than £10 can be imposed. The Protector and the Lieutenant-Governor concur in thinking that, having regard to the class of women who emigrate, it would be advisable to give the Protector a discretion as to the amount of the fine as well as in regard to the other penalties. We concur in this opinion.

8. The second head of those referred to in paragraph 2 is the classification of the labourers before and after arrival in the Colony. At present the immigrants are not classified in India as able-bodied and not able-bodied. A minimum wage is guaranteed, and the Colonial Government has always refused to allow of any alteration being made in the contract entered into with the emigrant before leaving India. On this subject, we beg to refer Your Lordship to paragraph 17 of our despatch No. 15, dated the 3rd May, 1877, which expresses the opinion which we still hold.

9. We have circulated the Report for the information of Governments and Administrations whence emigrants proceed to Natal; we are gratified to find that the condition of the Indians in that Colony is so prosperous as it appears from the Report generally to be.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servants,

LYTTON.
F. P. HAINES.
A. J. ARBUTNETHOT.
W. STOKES.
RIVERS THOMPSON.
R. STRACHEY.
S. J. BROWNE.

No. 43 of 1874.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE, AGRICULTURE AND COMMERCE.

EMISSION.

To

THE MOST HONOURABLE THE MARQUIS OF SALISBURY,

Her Majesty's Secretary of State for India.


My Lord Marquis,

We have the honour to acknowledge His Grace the Duke of Argyll's despatch (Public) No. 157, dated the 16th December, 1873, forwarding correspondence with the
Colonial Office on the subject of a proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad, and requesting to be furnished with our views on the ordinance and the points connected with it.

2. We submit for your Lordship's information, the replies* received from the local Governments which we consulted, and we have to express our general concurrence in the views of the Government of Bengal. We do not consider practicable Mr. Justice West's proposal, contained in the Bombay letter, for the appointment of a mixed commission of representatives of India and the chief tropical and sub-tropical colonies, for the preparation of a uniform marriage law to be imposed by the Colonial Office upon all the colonies into which Asiatic immigrants are introduced.

3. Subject to the following remarks we approve of the proposed ordinance as amended by Mr. Longden. As regards persons who, on arrival at Trinidad, allege that they have been married either in India or on the voyage or elsewhere, we accept the proposal for the registration of such declarations of marriages before the Agent General of Immigrants. But as this registration could only be prima facie evidence of the marriage, and not conclusive of it, being liable to be rebutted by counter-evidence, we would suggest that clause 8 of the ordinance should be omitted or modified.

4. As to betrothals contracted before arrival in the island, we apprehend no difficulty, as such betrothals are by general consent merely civil engagements, involving damages but no further consequences.

5. In respect to marriages made in the island, we are altogether opposed to the application of English law and rules to them. On this point we agree in the view of the Bengal Government, that it would be better to abstain entirely from direct interference with the customs and ceremonies of the people. Those immigrants who have special laws co-extensive with their religion, as Hindoos, Mahomedans and Buddhists have, should be left to the operation of such laws. In this view it would be preferable to provide by a separate Act for the simple registration of marriages, applicable only to the immigrant population of the colony, rather than arouse suspicion by the adoption of an existing ordinance based on English law and procedure. We do not, however, object to the English law and procedure being offered alternatively to immigrants and their descendants on the understanding that if they elect to be married according to such law, they must abide by it. Otherwise they should remain under their own laws without interference, as in this country. We are of opinion that no difficulty is likely to arise on the score of polygamy. The number of women in the island is very limited, and the circumstances of the colony will practically prevent polygamous marriages, whereas legislation in the matter might cause individual hardship. If it should occur that an immigrant arrived with two wives, they must be recognised in accordance with the law under which he married them.
6. As regards the age of majority, we would accept the provisions of the Christian Marriage Act of this country. They were settled after very wide enquiry and careful consideration, and fix 16 and 13 as the ages for men and women respectively. In Act III of 1872, an Act to provide a form of marriage in certain cases, the ages were fixed at 18 and 14, but this Act applies only to an altogether exceptional class not corresponding in any way with the immigrant class.

7. On the question of divorce, we think it should be treated like marriages contracted in the island, according to the special laws of the parties concerned, and that its registration should also be compulsory to give it validity in the colony.

We have the honour to be,

My Lord Marquis,

Your Lordship's most obedient, humble servants,

B. H. ELLIS.
H. W. NORMAN.
A. HOBHOUSE.
E. C. BAYLEY.
J. P. D. INGLIS.

PUBLIC DEPARTMENT.

No. 278.

FROM

The Hon. D. F. CARMICHAEL,
Acting Chief Secretary to the Government of Fort St. George,

To

The Secretary to the Government of India,
Department of Agriculture, Revenue, and Commerce.

SIR,

With reference to endorsement, dated the 6th instant, No. 58, on a despatch from the Secretary of State for India, forwarding a proposed ordinance for the registration of marriages between Asiatic immigrants in Trinidad, I am directed to forward, for the information of the Government of India, copy of the proceedings* of this Government containing the opinion of His

*Dated 11th March, 1874, No. 277. Excellency the Governor in Council on the subject.

I have the honour to be,

Sir,

Your most obedient servant,

Acting Chief Secretary.

Fort St. George,
11th March, 1874.

Edw. J. Wright.
Read endorsement of the Government of India, dated 6th February, 1874, No. 58.

No. 49.

ORDER THEREON, 11th March, 1874, No. 277.

The Governor in Council considers that the objection entertained by the local authorities to exceptional penalties for a particular offence, if committed by one section of the community, is entitled to the utmost weight, and should be conclusive against the measure as proposed by Mr. Rennie.

2. With reference to the alleged propensity on the part of injured husbands among immigrants to take the law into their own hands and revenge themselves by killing their unfaithful wives, what has been done in India by the Penal Code might be pointed out. It is understood that experience in Northern India proves that the recognition by law of the injury done to a husband by seduction, and the attachment of a special penalty to the offence, have checked the propensity on the part of husbands in such cases to revenge themselves by taking life, when the fear of the penalty for murder did not restrain them.

3. The Governor in Council entirely concurs in the objection expressed by Lord Kimberley to Mr. Longden's proposal "to maintain in the case of Indian immigrants the age of female minority in regard of contracting marriage at twenty-one," or to apply to such cases the limitations as to degrees of affinity in which the Trinidad law resembles the English.

4. The effect of betrothal of Indian children, by which is understood "child marriage," is in this Presidency as complete as if the parties were of mature age, insomuch that, in castes where widow marriage is prohibited, a child widow is doomed to a life of celibacy with all the attendant evils.

(True Extract.)

Acting Chief Secretary.

To the Protector of Immigrants,

Exd. J. Wright.
No. 152, dated Poona, the 18th June, 1874.

From J. NUGENT, Esq., Acting Under Secretary to the Govern-
ment of Bombay.

To the Secretary to the Government of India.

I am directed by His Excellency the Governor in Council to acknowledge the receipt of a memorandum from the Department of Agriculture, Revenue and Commerce, No. 56 of the 6th February, 1874, calling for the opinion of this Government on a proposed ordinance for the registration of marriages between Asiatic and Chinese immigrants in Trinidad.

2. Upon the receipt of that memorandum it was thought desirable by this Government to invite an expression of opinion upon the points of Indian law and custom which the proposed ordinance would touch, from the Advocate-General of this Presidency and from Mr. Justice West, whose reputation as an authority on questions of Hindu law and custom stands specially high; and copies of the opinions of those gentlemen are herewith enclosed.

3. Mr. Justice West has naturally regarded the provisions of the ordinance submitted to his judgment from a purely Indian point of view, and it will doubtless be of advantage to the Colonial Office and the Government of Trinidad to be furnished with the opinion of a Judge who is so conversant with the subject to which this correspondence relates; but to His Excellency the President, who for seven years administered the Government of British Guiana, where there are a greater number of Asiatic immigrants than in any other West Indian colony, various circumstances have been present in the consideration of this question to which it is scarcely possible that the attention of Mr. Justice West can have been directed. Intimately acquainted as His Excellency is with the past history of Asiatic immigration to the West Indian colonies, and with the arrangements there made for the welfare of the immigrants; knowing too the extent of the powers with which the Governors of those colonies are armed for the protection of the immigrants, and the vigilance of the supervision exercised by the Colonial Office over legislation affecting them, His Excellency is unable to share the apprehensions entertained by Mr. Justice West, or to adopt without reserve the suggestions contained in his letter.

4. Deprecating "piecemeal" legislation, and holding that the question of the marriages of immigrants should be taken up as one of imperial interest and dealt with in an imperial spirit, Mr. Justice West recommends the appointment of a mixed Commission, composed of representatives of India and the chief tropical and sub-tropical colonies, for the preparation of a uniform marriage law to be imposed by the Colonial Office upon all the colonies into which Asiatic immigrants are introduced; and it will be for the Secretary of State for the Colonies to consider whether he is prepared to adopt Mr. Justice West's recommendation, and to take a step on which both expense and delay must inevitably attend; but in the meantime His Excellency the Governor in Council is convinced that, while the Colonial Office is careful and anxious, as in the present instance, to act in full concert with the Government of India upon questions concerning Indian immigrants in the colonies, single colonies may with advantage determine by immediate legislation, and without waiting for the adoption of a uniform law, the marriage status of the immigrants introduced into them.
5. Turning to the consideration of the proposed ordinance, it will be observed that, in its amended form which Lord Kimberley was prepared to approve, it affects only such immigrants as are married at the date of their arrival in the colony, and that marriages made by immigrants within the colony of Trinidad will thus be left to be governed by the existing marriage law of the island.

6. The provisions of the ordinance for the registration of the marriages of immigrants contracted before their arrival in the colony appear to His Excellency to be convenient and effective; but it would seem that under this ordinance, if His Excellency rightly interprets its meaning, an immigrant might be regarded as lawfully married to more than one wife, provided that the marriages were contracted without the colony and duly registered upon his arrival there. As, however, these cases are likely to be extremely rare, and the Governor of Trinidad does not anticipate practical inconvenience from the question of polygamy, it is not necessary to dwell further upon what appears to be a limited recognition of the institution.

7. It is the intention of the Government of Trinidad to apply the existing marriage law of the island to the marriages of immigrants contracted within the colony, and, therefore, after his arrival there the immigrant would be unable to enter into a polygamous marriage, and both as regards the age of majority and the prohibitions of the table of the degrees of affinity, would be subject to the restraints of purely English Law.

8. Different opinions may prevail as to the justice and policy of denying to the Asiatic immigrant, when introduced into a colony, the right of contracting polygamous marriages, but in the judgment of the Governor in Council the circumstances of the colonies imperatively require their prohibition. The numerical proportion of women to men among the immigrants has ever been inadequate, and Her Majesty's Government insist upon constant efforts being made to increase that proportion.

9. As regards the age of majority, the President cannot concur with Mr. Longden in thinking that the immigrants should be subject to the requirements of English law, and is of opinion that the limits of age stated in the 3rd section of the ordinance as originally drafted by Mr. Rennie were fixed with a judicious regard to the physical constitution and the usages of Asiatics.

10. In like manner Lord Kimberley's reluctance to sanction the application to Hindus and Mussulmans of the limitations as to degrees of affinity, in which the Trinidad and English marriage laws are similar, seems to this Government to have been well founded.

11. With reference to the desire for information expressed by Mr. Longden upon the question whether the betrothals of Indian children should be regarded as valid marriages, the observations made by Mr. Justice West would seem to point to the conclusion that the value and force of such contracts are not sufficiently great to render it desirable that the Colonial Governments should subject themselves to the difficulties which a legal recognition of those betrothals would entail.

12. In conclusion, His Excellency in Council would observe that, while he fully shares the feeling of Mr. Justice
West, that in the treatment of such questions as marriage laws careful regard should be paid to the idiosyncrasies of Asiatics, and that legislation repugnant to their sentiments should be avoided, His Excellency is nevertheless convinced that the abolition, rather than the perpetuation, of the institution of caste, with its attendant evils, should be the aim of Colonial Governments in measures prepared with reference to Indian immigrants. It may safely be assumed that those who determine to cross the water are very indifferent to the forms of caste, and do not look with apprehension to the interruption of them in a foreign land. And if their freedom from ancient fetters can be effected by colonial legislation, co-operating with a change of abode and altered circumstances of life, His Excellency in Council can entertain no doubt that such a change of sentiments and habits will improve the mental and moral condition of the immigrants, and avert from the communities to which they are introduced the baneful effects of caste which have been manifested in this country.

No. 18, dated Bombay, the 26th March, 1874.

OPINION.

I have perused the proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad, and beg leave to submit the following observations in regard to it.

It must, of course, be conceded that the colony of Trinidad has a perfect right to legislate with regard to marriages which take place within the limits of the island, and there is much to be said in favour of subjecting immigrants, after their arrival, to the local laws of the colony, in regard to marriage as well as in other respects. It should however be remembered that the Indian immigrants who are invited to the colony come from a country where their own particular laws and customs have always been religiously respected by the British Government, and they may therefore not improbably expect that those laws and customs will be continued to them in any part of the British dominions. Among Hindoos, at all events, the marriage tie is theoretically as sacred as it is among Christians; and I, therefore, think that all existing marriages among Indian immigrants at the time of their arrival in the island should be held good. I would not allow them to state whether they "wish to stand" in the relation of husband and wife to each other, as provided in article 2 of the ordinance, or many impromptu divorces and marriages may be the result. If by their own admission, or on the testimony of their fellow-passengers, the relation of man and wife is shown to exist between two immigrants, they should at once be registered as married persons under the ordinance.

I think also that the betrothals of children made before arrival in the colony should be recognized. They are strictly in accordance with Hindoo law. And if an immigrant, whether Hindoo or Mahomedan, brings more than one wife to the colony, their marriage status ought, I think, to be unquestioned.

With regard to marriages contracted in the colony, the case is different. Polygamy may be disallowed on the same ground that adultery is not made a criminal offence because
it is not the law of the colony. For the same reason betrothals made after arrival in the island need not be recognized as binding contracts; if not so recognized, they will probably soon cease to be made. The validity of divorces among Mahomedans may in like manner be disallowed when once they have become subject to the local laws of Trinidad. I see no serious objection to the provisions of the ordinance as to the ages at which, and the degrees within which, marriages may be contracted. I will only remark with regard to article 10, that the punishment for enticing away a married woman from her husband with criminal intent, under the Indian Penal Code, is "imprisonment of either description for a term which may extend to two years, or fine, or both."

A. R. SCOBLE,
Advocate-General.

Dated Bombay, the 8th May, 1874.

From Mr. Justice West.

To The Secretary to the Government of Bombay.

I have the honour, in reply to your letter No. 80, dated the 21st March, 1874, to offer such remarks as have occurred to me on a perusal of the draft ordinance for the regulation of marriages between Asiatic immigrants in Trinidad and of the other papers sent to me with that letter.

2. What first suggests itself from the Indian point of view is, that the questions raised by the correspondence, as they touch the Asiatic immigrants from this country on the points where they are most sensitive, and as they are, moreover, of great real importance, ought to be dealt with imperially and, as far as possible, uniformly. A man to whom emigration is proposed ought to know, at least in a general way, how far his status as to capacity for marriage and as a husband and father will be affected by the change. The corresponding relations of a woman are to her of, perhaps, still greater importance; what the position of their children will be is the point of next greatest interest. The emigrants are, it may be said, all people, when Hindoos of low caste and when Mussulmans, but ill acquainted with the more refined doctrines of their faith; but such as their knowledge and their prejudices are, they exercise as potent an influence over them as in the case of other people. The limited reach of their minds makes the problem in one sense easier to be dealt with, but in another less easy. As caste rules and established habits have with them the highest sanction they are capable of conceiving, to handle the problem in a rationalistic spirit might readily occasion fears that would stop the stream of emigration which otherwise should constantly increase. To deal with it piecemeal, according to the casual and varying views suggested by local circumstances to Governors of merely English or colonial experience, is almost certain in time to lead to mischief. Whatever rule most offensive to Hindoo ideas is by chance established in some one colony, will from that very circumstance obtain early notoriety in India, and amongst an ignorant and timid people, will hinder emigration almost equally to any colony at all.
3. The subject ought therefore, I humbly think, to be taken as one of imperial interest and dealt with in an imperial spirit, so that the claims of different provinces and of different races may be tried by the standard of the general welfare, and without any bias of theological, legal, or social predilection. That which has enabled a general comity to be established amongst the European nations is the identical origin of their most dominant ideas as to the constitution of the family, the nature of property, and the social relations which form the proper subject for the exercise of the coercitive power of the State. Between the prevailing notions on these subjects of the inhabitants of the English colonies and of the people of India there is the widest possible difference; but viewing the colonies as a whole, their system of thought is fundamentally uniform, while on the other hand the same may be said as to India and its people. When, therefore, the problem of how much concession on either side is possible and necessary for the welfare, good order, and contentment of the Hindoos in any one colony, is effectively solved, it ought to be solved for all, but solved because of the application of general principles quite independent of the accidental differences of one colonial community from another.

4. The subject ought therefore, I think, to be placed in the hands of a mixed commission, composed of representatives of India and the chief tropical and sub-tropical colonies, for a report after due consideration of what laws, if any, it is necessary or desirable to establish amongst the Asiatic immigrants for the regulation of their matrimonial and family relations, of how far and under what circumstances these laws should extend to the immigrants' children and remoter descendants, and to what extent they should govern the relations arising between the immigrants and the colonists generally. Such a commission, if care were exercised in selecting its members, would be able, in a very short time, to furnish the outlines of the requisite legislation, by adopting which the Colonial Office would be saved a multitude of separate questions of difficulty which must otherwise be from time to time referred to it, and saved too from the annoying growth, bit by bit in different parts of the empire, of inconsistent principles.

5. One of the first things that such a commission would recognize would probably be that, where immigration from India is desired on an effective and national scale, the colonies must be prepared to receive the new comers as a community having a physique, a religious and social structure of their own. If the idea should obtain any footing in India, that a man going to Trinidad would not be at liberty to marry his sons and daughters according to the custom of the caste, that the man himself could not be kept by his caste-fellows under the control of the commoner caste laws, it would seriously diminish the number of emigrants. Caste feeling would at once be arrayed against emigration, and this is the strongest of all influences in India. The immigrants should have the choice, if they desire it, of retaining the family and marriage laws under which they were born. Legislation might usefully define, for practical purposes (as indeed it might in India), the dividing line between capacity and incapacity (as for instance the age of majority), where the demarcation is not precisely marked out by nature. It might also very usefully impose rules of authentication of such important matters as marriage, adoption, and divorce. But with the essence of the matter it should not interfere. The immigrants from India take a legal consciousness with them, just as English colonists do, which cannot, in ordinary
cases, be effectively replaced. It teaches submission to cer-
tain rude standards of right and wrong, and thus serves as a
basis for improvement. It cannot be materially meddled
with, except at the cost of a great shock to their feelings, and
of a chaotic moral helplessness which must lead to very
serious mischief.

6. A certain, and, I believe, a growing proportion of the
Indian immigrants desire to settle in the colonies. If a
Hindoo chooses thus to become a member of the general
community, he may well be made subject to its general laws.
It is not desired, I suppose, by any one that different
societies should be encouraged to grow up permanently side
by side in a small colony, some resting on a Christian and
some on various Pagan foundations. To a community thus
composed, English institutions would soon be found quite
unadapted. I would allow an immigrant to acquire a domici-
cile in the colony by a registered declaration, and he and his
descendants should thus become subject to its general laws.
Existing marriages, even polygamous ones, should in such a
case be recognised, because of the rights already acquired
by the wives and children. It is a mistake to suppose that
there is not a true polygamy amongst the Hindoos as well
as amongst the Mussalmans. The chief of Bhonunggar was
the other day married to four ladies at once.

7. Conversion to Christianity would almost always be
accompanied by a desire to acquire a local domicile, and
might be treated as having that effect. If a wife or a hus-
band refused cohabitation on account of the spouse's conver-
sion, a simple means of divorce ought to be provided, as in
India.

8. The legal condition of children should be regulated by
the father's domicile. But at eighteen years of age, a choice
should be given to children with an Indian domicile to ex-
change it for one in the colony. Girls in marrying would
adopt the domicile of the husband, whichever that might
be.

9. Considering that Indian girls are in many cases
mothers by the time they are twelve years of age, and that
many of the students in our colleges are fathers of families,
it is desirable that the marriageable age amongst Indian
immigrants should be fixed very low. It should follow soon
upon the attainment of puberty, as a necessary safeguard
for the purity of the women in a community in which the
males outnumber them. In India it is thought a discredit to
a family if a girl is not married before attaining puberty.
On the appearance of its signs she is sent to the house of
her husband. Where the children have no parent to act for
them, they cannot, of course, exercise an intelligent will, so
as to contract marriage until they attain what the law may
define as the proper age. It is to such that the preceding
remarks have had reference. Where the parents or other
near relatives have celebrated an infant marriage according
to the rites of the caste (and certified it as the law may
direct), the marriage should be binding as in India, as it
would have to be (if mischief is to be avoided) on the return
of the parties to India.

10. Some doubt seems to be felt as to whether or not a
betrothal is an irrevocable contract amongst the Hindoos.
Even amongst the higher castes it does not make marriage
to another person invalid. It only gives in such cases a
claim to damages. Amongst the lower castes, betrothal is
still less sacred. It is only a completed marriage that im-
poses an inevitable obligation on the bride. Amongst some castes it can hardly be called inevitable. Reasons for divorce are recognized which make the marriage tie rather a loose one, and the husband's power of putting away a wife is practically limited only by the difficulty and expense of replacing her. The courts are governed in such matters by the evidence of caste custom laid before them, and so should the courts in the colonies be governed. Where the Hindoo community is large, it might be worth while to import a few native or half-caste Judges to administer their own laws amongst their countrymen.

11. Indian immigrants to a colony ought, while they retain their Indian status, to enjoy the same protection against adultery that they have in India. Here the adulterer is a criminal, whether he be white or black, and the only thing not satisfactory to native feeling in the matter is that the woman is not punished too. As the temptation to debauchery of this kind is greater in a colony, the deterring influence should not be less. It should be a punishable offence either to debauch an immigrant's wife, or on the part of an immigrant to debauch the wife of another man.

12. As to whether the state of marriage existed in any particular case, all reasonable doubt could be removed by a few simple arrangements. Emigrants going on board in India married should declare it, and this declaration should be registered and held conclusive. All subsequent marriages should be necessarily registered as a condition of their validity, and the registration should be conclusive when the identity of the parties was established.

13. There are many other matters of detail upon which I might enlarge, but without profit, as it seems to me, in the present position of the subject. It must, in spite of particular beneficial ordinances, remain a source of ever-recurring difficulty and of possible danger to the interests of the colonies until it is taken in hand in a systematic way.

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No. 2636.

FROM RIVERS THOMPSON, Esq.,
Secretary to the Government of Bengal.

TO THE SECY. TO THE GOVERNMENT OF INDIA,
DEPT. OF REVENUE, AGRICULTURE, AND COMMERCE.

REGISTRATION.

Calcutta, dated 11th July 1874.
issued July

Sir,

I am directed to acknowledge the receipt of your Memorandum No. 60, dated 6th February last, forwarding a letter* from Her Majesty's Secretary of State for India, with enclosures, on the subject of a proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad. It is requested that an expression of opinion may be submitted on the proposed law, and on the several
collateral points noticed in the correspondence. This corre-
spondence comprises a letter from the Under-Secretary of State for the Colo-
nies, forwarding a copy of the ordinance originally drafted by Mr. Rennie when administering the Government of Trinidad, and a despatch from Governor Longden, containing his views on the same subject. It appears from this despatch that while Mr. Longden entirely concurs with Mr. Rennie in thinking it most desirable that coolie marriages should be recognized by law, he would, as regards marriages contracted in India or on the voyage to Trinidad, adopt a simple registration before theAgent-
General of Immigrants, in a given form, of the names of all immigrants who declare themselves man and wife, accept-
ing copies of such registry as evidence of marriage to the same extent as any other registration of marriage under the present law of the Colony. As regards marriages had within the Colony, he suggests that, except as to form, the existing marriage law of the Island, as a civil contract, should be made applicable to all sections of the community; and thus that the coolie immigrants arriving from this country and from other places should be brought within its rule.

2. I am desired in reply to say that, in the opinion of His Honor the Lieutenant-Governor, there can be no objection to the first proposal. In view of the desirability of the recognition by law of the status of each immigrant laborer admitted to the Colony, it seems to him that no exception can be taken to the simple registration of the fact of mar-
rriage before a public officer in a public manner; and the ordinance drafted by Mr. Rennie, as amended by Mr. Long-
den, will satisfactorily meet this object.

3. As regards marriages made in the Island, the proposal to adopt the marriage law of the Colony is based on "the serious objections which exist to the multiplication of laws applicable to one section of the community and not to another." And certainly, having regard to the different races and creeds of the immigrant population, comprising, as it apparently does, Christians and Mahometans, Bongalees and Madrassees, Chinese and Creoles, any legislation which would attempt to reconcile the religious views as regards the rites and incidents of marriage of all sections of the community would be hopelessly impracticable. Experience in this country, where social problems of the same character present themselves at every turn, has led the Government to abstain entirely from direct interference with the customs and ceremonies of the people in matters connected with their religion; and the neutrality thus adopted by the Government has been abundantly justified by its results. The Lieutenant-Governor is satisfied that any endeavour to depart from such a principle even among the mixed popula-
tion of the Colony under notice, upon any theoretical notions of a desirable uniformity in the marriage law, would be fatal to its success; and in this view, and considering the sensiveness of all Asiatics to anything that concerns their religion, he inclines strongly to the opinion that it would be better to provide by a separate Act for the simple registra-
tion of marriages, applicable only to the immigrant popula-
tion, than to open a door to suspicious, however unreason-
able they may be, by the adoption of an existing ordinance based on English law and procedure. In making this sugges-
tion the Lieutenant-Governor is not unaware that under the present laws of the Colony, as contained in the Ordin-
ance 11 of 1863, amended by 13 of 1865, it is competent to parties to contract marriages before the District Registrar, and he observes that it is proposed in Governor Longden's letter to Her Majesty's Secretary of State for the Colonies, to notify to the coolies the nature of this provision in the
law, with the public assurance of the absence or any inten-
tion on the part of the authorities to interfere with or
abridge any religious ceremony by which they may them-
selves desire to sanctify their marriages. If we were deal-
ing with people of any education or position who were not
Asiatics, the suggestion might be accepted; but not only is
the contrary the case here as regards the parties chiefly
concerned, but it is found that the law, though containing
certain facilities for registration of marriages, embodies also
provisions for the solemnization of marriages in buildings
set apart for public Christian worship by ministers of reli-
gion, and that in adopting it in its integrity for the sake of
uniformity, it is proposed to leave the English law unaltered
on such points as govern the question of minority and the
limitations as to the prohibited degrees of affinity. The
Lieutenant-Governor is of opinion that apart from the objec-
tions which arise from a single law embracing provisions for
the celebration of marriage by Christian ritual and by civil
registration, the section which fixes the minority of female
Indian immigrants, in regard of contracting marriage, at 21,
and the section which applies to Hindus and Mahomedans
a table of prohibited degrees of affinity co-extensive with
English law, are indefensible. As regards the former, it is
scarcely necessary, having regard to native feeling and
practice in this country, to confirm the remarks of Sir C.
Murdoch, that no Indian woman waits till she is 21 to be
married, and that the power of guardians or parents to
refuse earlier marriages might be tyrannically exercised—
remarks which are especially applicable to the lower orders
from which the immigrants from India are taken.

4. Upon the question regarding the validity of betrothals
as marriages between young children, to which special
reference is made, I am desired to say that, according to the
authorities whom the Lieutenant-Governor has consulted, it
is only in Hindu families of the higher castes that the rite
of betrothal is regarded as obligatory, and according to
their usage the failure to carry out such a contract operates
only to the detriment of the girl, who is lowered very much
in the estimation of the community, and would probably fail
to secure any one else to marry her. The boy suffers in no
way. In ordinary cases, that is, with the exception of very
high caste Brahmins, breaches of such engagements are not
uncommon and involve no loss of reputation; and this is
confirmed by a decision of the High Court of Judicature at
Bombay; where the Judges held, on a suit for specific per-
formance of marriage after betrothal, that the Hindu law
books of authority recognised the principle that a betrothal
was not to be treated as an actual and complete marriage,
Under the Mahomedan law there is no such practice as
betrothal; but where minors are contracted in marriage by
a father or paternal grandfather, they have no option on
arriving at puberty. Looking at the class of people who
form the bulk of our immigrants to the colonies, it may
safely be held that betrothals between their children should
not be regarded as valid marriages, and the repudiation of
such engagements on either side should be no bar to mar-
rriage with another.

5. In the consideration of a subject like this, and the
collateral points which arise in connection with it, such as
polygamy, betrothals, divorce, &c., it is extremely difficult,
having regard to the religious usages and institutions of
India, to accept views from an English standpoint. It may
be right to lay down the rule that as inhabitants of an En-
glish Colony governed by English laws, the coolies in Trin-
dad are bound to conform to the English law on the subject.
The Lieutenant-Governor can only say that such a rule would be opposed to the spirit and letter of the Hindoo and Mahomedan laws. As a Government, here we have abstained from all such imposition of our own laws upon the natives, and even the criminal law which makes bigamy an offence is applicable only to those classes of persons to whom polygamy is forbidden, excluding Hindoos and Mahomedans. A Malomedian may have as many as four wives at one time, and the Hindoo law sanctions polygamy; so that accepting the principles which guide the colonial legislature, it is clear that to maintain a consistent conformity with English law and observance, more will be required than marriage ordinances, for provision will have to be made to regulate divorces.

6. It seems to the Lieutenant-Governor, in view of the great difficulties which beset the question, that the simplest form of marriage registration, as a civil contract, would meet all the requirements of the case. He thinks that to obtain this object and to mark the distinction which should exist between the religious rite and the civil ordinance, the law for the Asiatic non-Christian population should be comprised in a separate special Act of the legislature; and he would suggest the adoption of a draft of law somewhat analogous to Act III of 1872 of the Governor-General’s Legislative Council, which, with very slight adaptation to local circumstances, would provide satisfactorily for the object in view. Such a law with a very small amendment would avoid the recognition of polygamy by the State, and, considering the large excess of the male Coolie population in Trinidad, the difficulties under this head are not likely to be serious; it would fix at its proper limits the age of both sexes at which marriages might be contracted in accordance with Hindoo and Mahomedan customs; and it would regulate with sufficient distinctness the degrees of consanguinity and affinity within which marriages should be prohibited.

I have the honor to be,

Sir,
Your most obedient Servant,

RIVERS THOMPSON,
Secretary to the Government of Bengal.

A.C.M.

No. 1652A, dated Nynie Tal, the 3rd July, 1874.

From—C. A. Elliott, Esq., Secretary to the Government of the N.-W. Provinces,

To—The Secretary to the Government of India.

I am directed to acknowledge the receipt of your endorsement No. 61, dated 6th February, 1874, forwarding, for an expression of the opinion of this Government, correspondence relating to a proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad.

2. In reply I am to forward, for submission to His Excellency the Governor-General in Council, copies of letters as noted on the margin, from the Board of Revenue, North-Western Provinces, and the Government Advocate, on the subject.
3. I am to state that, in the Lieutenant-Governor's opinion, Mr. Rennie's draft ordinance deals with the subject in a generally satisfactory way. With regard to the first two clauses of the draft, it seems to His Honour that, although there is no particular objection to Mr. Longden's amendments, Mr. Rennie's original draft is preferable. Either in its original or amended form His Honor considers clause 2 better than the Government Advocate's proposal. His Honor does not see the propriety or necessity of taking any measures before cookies leave India for ascertaining whether they are married or not. Such inquiries could not, His Honor thinks, lead to any useful result.

4. Mr. Longden's proposal to make the existing English law of the colony applicable to these marriages is, in His Honor's opinion, highly objectionable. To apply to cookie emigrants the English table of prohibited degrees and law of majority would be altogether unreasonable. The proposals in Mr. Rennie's draft ordinance seem to His Honor to dispose of these questions in a sensible and practical way.

5. With regard to betrothals of children (paragraph 11 of Mr. Longden's letter No. 185, dated 16th September, 1873), His Honor considers that specific performance of such contracts should not be enforced by the Courts, but that the civil right to damages for breach of contract should remain if the party aggrieved chooses to sue.

No. 663, dated Allahabad, the 17th June, 1874.

From—E. C. Buck, Esq., Offg. Secy. to the Board of Revenue, N.-W. Provinces,

To—The Secretary to the Government of the North-Western Provinces.

I am directed to acknowledge the receipt of the orders of Government in the Revenue Department, No. 497 A., dated 19th February last, calling for an expression of the Board's opinion on the proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad.

2. In reply, I am to forward a copy of the opinion of the Government Advocate (letter No. 77, dated 4th ultimo), on the subject, and to state that the Board presume they have only to give an opinion as to the registration of marriages contracted in India, and not as to that of those contracted on the voyage out or in the colony itself, and they consider that the course proposed in paragraph 3 of Governor Longden's despatch No. 185 is sufficient for this, unless, indeed, it be thought advisable that the declaration be proposed should be made by the cookie before the Collector-Magistrate of the district instead of before the Agent-General of Immigrants; since this is done the district officer can, if he has reason to doubt the truth of the declaration, satisfy himself on the subject by local inquiry. As a general rule, however, the Board are of opinion that the cookie's declaration on oath should be accepted as sufficient proof, a penalty being imposed in the event of that declaration being found to be false.
No. 77, dated Allahabad, the 4th May, 1874.

From—E. Warner, Esq., Government Advocate of the North-Western Provinces,

To—The Secretary to the Government of the North-Western Provinces.

Your No. 408 of 1874. Opinion on the subject of proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad.

I have carefully read over the despatch by His Excellency Mr. Longden, the Governor of Trinidad, dated the 15th of September, 1873, No. 185, as to this difficult question connected with the registration of coolie marriages. It appears to me that it would not be admissible to leave it to the immigrant by his simple declaration on his arrival at the colony to show whether he was married in India or on the voyage or not. Whether a coolie is married or not is a matter which I think ought to be ascertained and certified by the Immigration Agents before forwarding the immigrants to the colony, otherwise it is not unlikely to happen that a coolie may, on his voyage from Calcutta or Madras to Trinidad, discard the woman to whom, by the rites and ceremonies of the caste to which he belonged, he has been lawfully married, and it would be a matter of the greatest difficulty for any official in the Colony to say whether a marriage had or had not been contracted. I would suggest that in every case when an immigrant is forwarded by the up-country agent to the depot at Calcutta or Madras that there should be forwarded, under the hand and seal of the Collector of the district, a certificate stating whether the particular immigrant was married or unmarried, and this certificate should be considered in a court of law as sufficient legal evidence of the marriage of the party concerned.

As regards marriages contracted on the voyage from India to the West Indies, I would suggest that the certificate of the senior officer of the ship should be required. It is not likely that many marriages of this description will take place, but it may be as well to provide for them.

The second point upon which my opinion in question is requested is with reference to registration of marriages of immigrants when they arrive in the Colony. This is a matter which appears to me more properly to belong to the Honourable Mr. Garcia, Her Majesty's Attorney-General at Trinidad, rather than the Government Advocate of the North-Western Provinces. My views, however, on the matter are entirely the same as expressed by Mr. Longden, and I would look upon all marriages between Indian immigrants as a purely civil contract, leaving it to the parties to solemnize their marriages in any form they think proper.
No. 756, dated Lahore, the 29th April, 1874.

From—T. H. Thornton, Esq., D.C.L., Secretary to the Government of the Punjab,

To—The Secretary to the Government of India.

In reply to your No. 62, dated 6th February last, I am directed to forward copy of a memorandum by the Financial Commissioner on the subject of the proposed new ordinance for the registration of marriages between Asiatic emigrants in Trinidad, and to state that the Honourable the Lieutenant-Governor concurs in the opinion expressed by the Financial Commissioner.

Memorandum by G. Ouseley, Esq., Officiating Financial Commissioner, Punjab, dated the 20th April, 1874, on the subject of the proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad.

It seems to me that the amendments proposed by Lord Kimberley in Mr. Longden's ordinance are very desirable, viz., that the English rule as regards minority and degrees of affinity should be altered with respect to the marriages of Indian immigrants.

I would venture to suggest that the period of minority should cease for males on their entering their 18th, and for females on their entering their 14th year; and that all marriages should be considered legal in which the affinity in which the parties stand to each other would not cause the marriage to be considered invalid according to the religion which the parties profess.

With respect to betrothals, they are not considered in this part of India as marriages, or as a bar to the contraction of a marriage with other than the betrothed party.

No. 1771, dated Lucknow, the 1st April, 1874.

From—A. Murray, Esq., Offg. Junior Secretary to the Chief Commissioner of Oudh,

To—The Under Secretary to the Government of India.

In reply to your endorsement No. 63, dated 6th February last, forwarding copy of correspondence on the subject of a proposed new ordinance for the registration of marriages between Asiatic immigrants in Trinidad, I am directed to forward the accompanying copies of letters, No. 484, dated 10th ultimo, and No. 586, dated 21st idem, from the Judicial Commissioner, Oudh, containing his opinion on the subject, and to say that the Chief Commissioner concurs in the views therein expressed.
No. 586, dated Lucknow, the 21st March, 1874.

From—The Judicial Commissioner of Oudh,

To—The Secretary to the Chief Commissioner of Oudh.

In reply to your No. 1447 of 17th March, 1874, I beg to state that I overlooked the paragraph in Governor Longden’s letter in regard to betrothals, but it appears to me that no difficulty can arise on this score. Under Hindoo law a betrothal carried out in due form is equivalent to a contract of marriage, so that, if the contracting parties are amongst the immigrants, the declaration of the parties proposed in paragraph 3 would be sufficient. Under Mahomedan law, if a girl is betrothed during her minority, her consent on arriving at puberty is necessary. In such a case the declaration in paragraph 3 might be held binding only on consent of the girl being accorded on her reaching the age of puberty, and in the absence of evidence to the contrary, the presumption under Mahomedan law is that a girl attains puberty when she reaches the age of 9 years (see Privy Council judgment in Nawao Mulka Jehan Sahiba and others versus Mahomed Askeree Khan).

No. 484, dated Lucknow, the 10th March, 1874.

From—The Judicial Commissioner of Oudh,

To—The Officiating Junior Secretary to the Chief Commissioner of Oudh.

With reference to your letter No. 1021, dated 24th ultimo, forwarding for my opinion certain printed papers regarding registration of marriages between Asiatic immigrants to Trinidad, I have the honour to state that I see no objection to the proposed ordinance, with the modification suggested by the Secretary of State, viz., that the retention of the age of minority at 21 in respect of Indian immigrants should not be maintained, and that the limitations of English law as to degrees of affinity should not be held applicable to Hindoos and Musulmans. I would suggest that the age of majority in respect of both sexes should be 18, the age which it is contemplated making the general age of majority in India; and as regards the limitation of degrees of affinity, I am of opinion that no positive enactment on the subject is required.
GOVERNMENT OF INDIA.
DEPARTMENT OF REVENUE, AGRICULTURE AND COMMERCE.

EMIGRATION.

TO THE RIGHT HONOURABLE VISCOUNT CRANBROOK,
Her Majesty's Secretary of State for India.
SIMLA, the 3rd October, 1878.

My Lord,

We have the honour to reply to Lord Salisbury's despatch No. 18 (Emigration), dated the 7th February last, with which was forwarded for our consideration copy of a letter with enclosures from the Colonial Office relative to a draft Ordinance on the subject of the marriages of immigrants prepared by the Government of Trinidad. It is stated that it is proposed to make this draft Ordinance the model to be adopted in other Colonies employing Indian immigrants, and we are asked whether in our opinion it fulfils all the conditions which we deem to be necessary, and is otherwise generally free from objection.

2. The Ordinance deals with the following subjects so far as they affect Indian immigrants:

1. Domicile.
3. Divorce.
4. Offences relating to marriage.

It applies only to immigrants who are (1) not professing Christians and (2) not domiciled in the Colony.

3. Immigration does not of itself effect any change in domicile; but domicile in the Colony may be acquired (a) by election under Section 50, and (b) by acceptance of a grant of Crown lands under Section 51. The domicile of legitimate children follows that of their father at time of birth, that of illegitimate children that of their mother, and that of the wife that of her husband. All immigrants domiciled in the Colony, under Sections 52 and 53, become liable to the general law in matters relating to marriage, legitimacy, personal status, inheritance, succession, and capacity or incapacity to make a will.
4. The following are the chief provisions of the draft Ordinance relating to marriage:

I.—Marriages under it may be solemnized (a) before a Registrar, or (b) in any manner which according to the religion of the parties constitutes a binding marriage. The difference between these two ways is that the first may be adopted by parties who do not profess the same religion, while the second can only be adopted when both profess the same religion; and the marriage is in the latter case void if for any cause whatever the parties are, according to their religion, incapable of intermarrying.

II.—In whichever of the two ways abovementioned the marriage is intended to be solemnised, notice must in the first instance be given to the Registrar of the district: the notice is to be published by the Registrar for a period of not more than ninety and not less than thirty days, and the Registrar is also to give information of the notice to the Agent-General of Immigrants, who is to take such means as he thinks proper to give notice of an intended marriage to persons likely to have legal ground of objection.

III.—After a period of not more than ninety days or less than thirty days, the parties may apply for and receive a licence to marry, and may marry accordingly not later than ninety days from the date on which notice of marriage was given.

IV.—The marriage may be either before a Registrar or otherwise; if before a Registrar, it must be solemnised between 8 a.m. and 5 p.m., and certain declarations and answers must be made; two witnesses are also required.

V.—If the marriage is not contracted before a Registrar, the parties must appear before the Registrar of the district, produce their licence, and declare that they have contracted a binding marriage according to their religion: two witnesses must also at the same time appear before the Registrar, and declare that they are of the same religion as the parties married, that they were present as witnesses at the marriage, and that it is a binding marriage according to their religion. The marriage will then be registered, and the register signed by the parties.

VI.—The Agent-General of Immigrants is to enquire upon the arrival of any ship having immigrants on board, whether any of such immigrants stand in the relation of husband and wife; if any declaration of the kind is made, the Agent-General is to make enquiry into its truth, and if he considers that it is true, shall enter such marriage in a register to be kept by him for recording such marriages.

VII.—The following are the grounds of nullity the existence of any of which makes a marriage under the Ordinance (not apparently a marriage declared to the Agent-General of Immigration under Section 16) null and void:

(1.) If the licence required by the Ordinance has not been granted.
(2.) If a suit for the prohibition of the marriage is pending.

(3.) If an order prohibiting the marriage is in force.

(4.) If the man is under the age of 16 years.

(5.) If the woman is under the age of 13 years.

(6.) If the woman is above the age of 13 years and under 21, and not a widow, and her father, or guardian if she has no father living, dissents from such marriage in the manner prescribed by the Ordinance (Section 18).

(7.) If the woman is above 13 and under 21, and not a widow, and has no father or guardian living and resident in the Colony, and her mother dissents from such marriage in the manner prescribed.

(8.) If the man has a wife living and resident in the Colony.

(9.) If the woman has a husband living and resident in the Colony.

(10.) If, according to the religion of either party, the marriage is unlawful on the ground of consanguinity or affinity.

To the last ground of nullity is attached a proviso borrowed from Section 2 of Act III of 1872, which says that "consanguinity shall not be a ground of nullity, unless a relationship can be traced between the parties through some common ancestor who stands to each of them in a nearer relationship than that of great-great-grandfather or great-great-grandmother, or unless one of the parties is the lineal ancestor of the other."

VIII.—Provision is made for dissent from a marriage by a person entitled to dissent (see above, head Sections 13 to 21. VII, grounds (6) and (7)) or for prohibition by a person alleging any ground of nullity; objections of this description must be made within 29 days from the entry of notice of marriage before a Judge of a petty Civil Court, who will give notice to the Registrar, and try the case as a suit.

IX. Marriages contracted before the commencement of the Ordinance may be registered by the Agent-General of Immigrants, if application for registry is made before the expiration of one year from the commencement of the Ordinance; such registration (which will be made after due enquiry by the Agent-General) will be conclusive evidence of a marriage so contracted until the contrary is proved; but non-registration will be no evidence either for or against such a marriage.

X. Such marriage contracted before the commencement of the Ordinance cannot be registered if the following grounds of refusal exist:

(1.) If at the time of application to register the man be under 16.

(2.) If at the same time the woman be under 13.
3.) If at the time of application the man has a wife living and resident in the colony.

4.) If at the time of application the woman has a husband living and resident in the colony.

5.) If either party to the marriage has since such marriage according to any form contracted a second marriage which has been followed by cohabitation.

6.) If according to the religion of either party, the marriage is unlawful on the ground of consanguinity or affinity—subject to the same proviso as that already quoted under head VII.

5. Divorce is provided for as follows:

I.—Both the parties must profess a religion which allows divorce; divorce can only be obtained subject to the conditions of the Ordinance.

Section 22.

II.—A party wishing for a divorce is to take out a summons in the petty Civil Court of the district calling upon the other party to the marriage to show cause why leave should not be granted to dissolve the marriage between them. The case is to be tried as a suit, and the Judge of the Court may grant the applicant leave to obtain a dissolution of marriage at any time after the expiration of 14 days from the date of the order, if he finds—

1.) That neither of the parties is a Christian or domiciled in the Colony:

2.) That each of the parties professed at the time of the marriage a religion according to which divorce is allowed.

3.) That a cause exists which, according to the religion of each of the parties, entitles the applicant to have the marriage dissolved.

III.—If no appeal has been made before 14 days from the date of judgment have expired, the Judge is to give the applicant a certificate, stating the effect of the judgment, and that no appeal has been preferred. When the judgment allows the divorce, the certificate is to be delivered to the Registrar of the district, who may, within 21 days from such delivery, grant a license enabling the applicant to obtain a divorce.

IV.—Within 60 days from the date of issue of a divorce license, the party who obtained it may appear before the Registrar who granted it, and, in the presence of the Registrar and two witnesses, make a declaration that the marriage between him and the other party is dissolved. The Registrar is to enter a statement of the declaration of dissolution of marriage in a register, which will be signed by the Registrar, the declarant and the witnesses. The entry of the marriage in the marriage register will, on receipt of a copy of the entry of divorce, be cancelled.
6. Under the fourth head of those stated in paragraph 2 of this despatch, the only provision which demands notice is Section 32. This Section borrows Section 498 of the Indian Penal Code, regarding the punishment of a person exciting or taking away or detaining a married woman with criminal intent. Section 479 of the Criminal Procedure Code is also adopted, requiring the authority of the husband or the person having the care of the woman on his behalf to the prosecution.

7. Before proceeding to discuss the provisions of the Ordinance as above set forth, we beg to recall attention to the views expressed in our despatch No. 43, dated the 25th August, 1874. In that despatch we approved the proposal that, on the arrival of immigrants in the Colony, declarations of existing marriages should be registered before the Agent-General of Immigration; but we suggested that this declaration should be held to be only *prima facie* evidence of the marriage, being liable to be rebutted by counter-evidence.

Of marriages made in the island, the despatch said:—

"In respect to marriages made in the island, we are altogether opposed to the application of English law and rules to them. On this point we agree in the view of the Bengal Government, that it would be better to abstain entirely from direct interference with the customs and ceremonies of the people. Those immigrants who have special laws co-extensive with their religion, as Hindus, Muhammadans and Buddhists have, should be left to the operation of such laws. In this view it would be preferable to provide by a separate Act for the simple registration of marriages, applicable only to the immigrant population of the Colony, rather than arouse suspicion by the adoption of an existing Ordinance based on English law and procedure. We do not, however, object to the English law and procedure being offered alternatively to immigrants and their descendants, on the understanding that if they elect to be married according to such law, they must abide by it. Otherwise they should remain under their own laws without interference, as in this country. We are of opinion that no difficulty is likely to arise on the score of polygamy. The number of women in the island is very limited, and the circumstances of the Colony will practically prevent polygamous marriages, whereas legislation in the matter might cause individual hardship. If it should occur that an immigrant arrived with two wives, they must be recognized in accordance with the law under which he married them.

"As regards the age of majority, we would accept the provisions of the Christian Marriage Act of this country. They were settled after very wide enquiry and careful consideration, and fix 16 and 18 as the ages for men and women respectively. In Act III of 1872, an Act to provide a form of marriage in certain cases, the ages were fixed at 18 and 14; but this Act applies only to an altogether exceptional class, not corresponding in any way with the immigrant class."

And regarding divorce:—

"On the question of divorce, we think it should be treated like marriages contracted in the island, according to the special laws of the parties concerned, and that its registration should also be compulsory to give it validity in the Colony."

8. Another matter on which it is desirable to say a few words before passing to the consideration of the draft Ordinance is the present legal position of Indian immigrants in English Colonies in respect of marriage and divorce. In dealing with this question we labour under the disadvantage of a want of acquaintance with the manner in which the law is at present administered in the Colonial Courts, if any cases of the kind have as yet come under decision; and the subject is moreover far from completely treated in the legal works of reference which we have had the opportunity of consulting. The question is, however, of much importance: because, so far as the Draft Ordinance goes to substitute a new law for that at present in force, it is necessary to discuss its bearing with as full a knowledge as possible of the latter; and because the Ordinance being in its form merely permissive, and in one place (Section 44) going so far as to use express words to provide that omission to take action under it shall not affect the validity of a marriage among immigrants, it has to be considered what the position would be of immigrants who do not avail themselves of the procedure which it lays down.

9. Among the Christian nations of the Western world the lex loci contractus governs to a great extent a marriage between foreign immigrants. All these nations "have such a family character, from their similarity of race, institutions, and religion," that the marriage law of any one of them can, without very great violence, be applied to a member of any other coming within its jurisdiction, and there is accordingly no difficulty about allowing the territorial law as opposed to the personal law to prevail. But this doctrine is not applicable to non-Christian countries and nations; it is not the case, for instance, that a marriage between Christians in a non-Christian country would be governed by the lex loci; on the contrary, it is well settled law that in such a case the law of the parties, not that of the natives of the country, prevails. For obvious reasons decisions on this question chiefly touch the converse case to that to which the present correspondence relates, viz., the marriage of non-Christians in a Christian country. But there is one case in which the latter position is discussed. This is the decision of Sir Erskine Perry in the case of the Khojahs and Memons, reported in "Oriental cases," page 127. In that case the learned Judge observed that—

"If the lex loci gives way in the case of Christian aliens in a foreign country, there can be no doubt that a similar comity requires a similar rule to be observed when a Mussulman or Hindu seeks a domicile in a Christian country. How far the peculiar laws of such non-Christian aliens would be recognized, it may not be very easy nor is it necessary to define beforehand. On each occasion it would afford matter for judicial discussion and determination when the question arose. But on very many questions, such as marriage, divorce, succession, and possibly adoption, there seems no reason to doubt that the proper law to be referred to for the decision of any controversy would not be the law of the Christian community, but the law and usage of the peculiar non-Christian class. That this was the opinion of Lord Stowell is not left a matter of doubt, for he has stated it expressly in many of his judgments with respect both to Jews and that other singular Oriental race, the Gipsies."
The leading decisions of Lord Stowell to which reference is made in the above passage are his judgments in Ruding versus Smith (2 Hagg. Consist., pages 384-5), and in Lindo versus Belisario (1 Hagg. Consist., 216). It would lengthen this despatch too much to quote those judgments here, but it seems clear that the view of that high authority was that a marriage in England between non-Christians, if it satisfied the requirements of what he termed the law of nature, and likewise satisfied the requirements of the personal law of the parties, would be a good marriage.

10. The following passage (op. cit., 1 p., 231) will show what Lord Stowell would have considered a marriage good by the law of nature:—

"A mere casual commerce without the intention of cohabitation and bringing up of children, would not constitute marriage under any supposition. But when two persons agree to have that commerce for the procreation and bringing up of children, and for such lasting cohabitation, that, in a state of nature, would be a marriage, and in the absence of all civil and religious institutes, might safely be presumed to be, as it is popularly called, a marriage in the sight of God.

"It has been made a question how long the cohabitation must continue by the law of nature—whether to the end of life. Without pursuing that discussion, it is enough to say that it cannot be a mere casual and temporary commerce, but must be a contract at least extending to such purposes of a more permanent nature in the intention of the parties."

The concluding passage of the above extract meets the objection which may be urged that certain of the incidents of Hindu and Muhammadan marriages are repugnant to Christian ideas of morality. The one thing which above all others is essential to marriage from the Christian moralist's point of view is that it should be for life, that is to say, that though perhaps open to dissolution in certain events, it should be contracted for life; but even this Lord Stowell would not apparently have insisted on in a non-Christian marriage. As regards divorce, we have seen that Sir E. Perry expressly mentions it as one of the points on which we ought to administer the personal law of the parties.

11. On the other hand, it must be admitted that writers on Private International Law,* especially when they speak of polygamy, which they class with incest in the second degree, lay down the opposite view, viz., that a marriage which does violence to Christian ideas cannot be held good in a Christian country, even if celebrated at a place by the law of which it would be valid; but those writers for the most part simply follow in the wake of others, whose works date from a period when narrower views prevailed than the present day would be likely to find acceptance. There is nothing, so far as we are aware, in English judicial authority to support their views, except certain dicta of Lord Brougham.

* See Story's Conflict Sections 113a and 114; 1 Burge Col. Law 188; Westlake Prte. Intrl. Law, Section 340.
† 2 Cl. and Fin. pp. 532 and 534. In the case of Warrender versus Warrender,† in one of which he is said to have intimated as his opinion that a polygamous marriage would, for all purposes, be ignored in a Christian country; and in another of which he ridicules the notion of the Courts of any Christian country recognising a divorce effected without the intervention of a Court,
or divorce in pais as he terms it. We say nothing of the case of Hyde versus Hyde (Law Report p. 1 and M 130) because Lord Penzance in the concluding passage of his judgment thereon carefully guards himself against being supposed to decide anything as to the effects generally of a polygamous marriage. It appears to us that, as regards the moral aspect of the case, the question can scarcely now be considered an open one, so far at least as our Indian subjects are concerned. We have now for the better part of a century continued to recognise in this country not only polygamy and divorce in pais, but even (as among the Nairs of Malabar) polyandry; and it can hardly be contended that what is thus done as a solemn duty to our Indian subjects in one part of Her Majesty's dominions is to be condemned as an outrage to morality in another.

12. From the above remarks it will be gathered that we consider that if at this moment a question were to arise in a Court in Trinidad as to the validity of the polygamous marriages or divorces which are stated in the correspondence to have taken place among Indian immigrants in that island, it might well be argued with some prospect of success that the Court would be bound to hold them good. On the other hand, we do not conceal from ourselves that the opposite contention might be urged with some force, and that the question whether these marriages and divorces are contra bonos mores or not, and if so, whether this renders them invalid in a Christian country, is one of much doubt and difficulty. This being the present condition of things, it appears to us that the draft Ordinance, if it passes into law, although as already remarked it is merely permissive in its terms, and in one place expressly saves the validity of prior marriages if otherwise valid, may indirectly in practice influence the Courts in deciding that question. In the absence of any Ordinance like that proposed, the Judge would be to some extent influenced in favour of the Native marriage by the consideration that there was no suitable law in the island appropriate to marriages between Indian immigrants. But if a law of this description is passed, the inclination would perhaps rather be the other way: it would be said—"The Legislature has provided a form of marriage for these people, and we must be careful how we recognize any other." Again, if any question arose as to the validity of a polygamous marriage, the circumstance that the legislature in this Ordinance refused to countenance such a marriage would be a strong argument in favour of the view that the Courts ought not to recognize it.

13. We have already, in the extracts from our despatch of the 25th August, 1874, above quoted, stated the views which we still hold as to the justice and expediency of the case. It appears to us unquestionable, considering the principles which have been uniformly followed throughout our rule in this country, the position of the Government towards emigration from India to the British Colonies, and the very large proportion of the population of those Colonies which is composed of Indian immigrants, that those immigrants who have special laws co-extensive with their religions should be left to the operation of those laws, and that all interference with the customs and ceremonies of the people should be avoided. We have shown that the view which the Courts would take of the law on the point is doubtful, and that the passing of the proposed Ordinance in
its present form would probably tend to encourage them to decide against the validity of any marriage or divorce not carried out according to its provisions. And we are decidedly of opinion that, whether the proposed Ordinance is adopted or not, it should be made perfectly clear that the personal law of the immigrant, when he has one, constitutes a valid rule for the matrimonial relations into which he may enter with other persons professing the same religion and subject to the same personal law. With these remarks we pass on to the discussion of the provisions of the Ordinance, considering it as an alternative, not as the only rule for the matters with which it deals, and examining it with a view to ascertain how far it is suitable to the case (1) of persons who, though still non-Christian, may desire to contract marriages which they could not according to their personal law contract (as e.g., a marriage between a Hindu and a Muhammadan), and (2) of persons who may desire, while otherwise conforming to the provisions of the local law, to adhere to the personal religious law which they profess.

14. We have no remarks to offer on the portions of the draft Ordinance which deal with Domicile (Sections 43—54) except in regard to Sections 51 and 54. The former provides that any immigrant not domiciled in the Colony who accepts a grant of Crown lands shall thereupon be deemed to become domiciled in the colony. It appears to us that if this provision is retained, great care should be taken to explain to immigrants the consequence of such acceptance. It seems very doubtful whether the large number of immigrants who have hitherto accepted such grants in Trinidad and elsewhere have contemplated that when doing so they were surrendering not only their right to a free return-passage to India (the ordinary consideration for which such grants are made), but also their personal law, or, in other words, their religion. It is of course open to the Colony to attach what conditions it pleases to such grants; but it seems to us that to attach retrospectively to the acceptance of grants already made a consequence of which no notice was at the time given to the immigrants accepting them would be extremely unjust, and that in the future no such grants should be made without the fullest notice to the persons accepting them of the effect of such acceptance. As regards Section 54, we have already said that in our opinion the Indian population should remain, whether domiciled in the Colony or not, subject to their own laws in all matters in which those laws are intimately connected with their religions: that is, to the extent to which the Hindu and Muhammadan laws apply to persons of those persuasions in India; these matters include all those mentioned in this Section except (to some extent) personal status. So far as persons who may desire to go beyond their personal law, while still not professing the Christian religion, are concerned (such as those for whom Act III of 1872 of our Indian legislation provides), we have no objection to the sections.

15. With reference to the provisions relating to marriage, as summarized in paragraph 4 of this despatch, we see no objection to heads I to V. It is true that these provisions superadd to the requirements of the Hindu and Muhammadan law other conditions to the validity of the marriage not recognised by those laws; but if it be left free to Indians, as we have already urged, to accept the procedure of the Ordinance merely as an alternative to their personal law, we see no objection to this. In the case of persons not professing the Hindu or Muhammadan religion, there can obviously be no reason for objecting to the requirements in question.
16. Head VI sufficiently meets the suggestions contained in our despatch of the 25th August, 1874, regarding the registration on arrival of the immigrants in the Colony of marriages then existing among them.

17. Head VII (Section 6) is one of the most important provisions of the Ordinance. Of the grounds of nullity therein set forth, we observe that the first, as it only relates to marriages under the Ordinance, is subject to the remarks already made in the last paragraph but one. Were it intended to apply it to all marriages among immigrants, it would be open to much objection. According to the Muhammadan law, a marriage is established by the utterance of certain words by the parties (being otherwise competent to contract), and to make a marriage so contracted invalid because a license had not been granted would be to introduce a bid'nat or novelty (the word is synonymous with heresy) into the Muhammadan faith. Similarly, grounds (2) and (3) may be good or bad according to Muhammadan law; they would be good if the prohibition sued for or ordered were one arising out of that law, bad if it were not. Grounds (4) and (5) are in accordance with the opinion expressed in our despatch of August 1874. It is true that the Muhammadan law requires puberty only to give effect to the contract, and admits of the marriage of minors by guardians; when the guardian is a father or grand-father, the parties have no option on arriving at puberty; in other cases they may either abide by the marriage or cancel it. Hindu law sanctions child marriages, which are indissoluble. In this particular, however, and subject to the proviso mentioned in the last paragraph but one, we do not think it is necessary to follow closely in the Ordinance the provisions of the personal law. Grounds (6) and (7) are bad according to Muhammadan law, for the power of a guardian over a woman ceases when her minority ends, that is, when she attains puberty; the only exception is when there is an absence of equality in the marriage, in which case the guardian of a woman is entitled to sue for a separation at any time before she has borne a child to her husband.

18. Grounds (8) and (9) raise the question of polygamy; under ground (8) a man may not have more than one wife living and resident in the Colony; and by the wording of ground (9) it would seem that a woman who may have been already married in India and have left her husband behind would be still competent to contract a marriage in the Colony. It appears to us that this portion of the Ordinance is directly opposed to the opinion expressed by us in 1874, when we said—

"The number of women in the island is very limited, and the circumstances of the Colony will practically prevent polygamous marriages, whereas legislation in the matter might cause individual hardship."

Such legislation is proposed to be effected by the Ordinance; and for this reason, if for no other, it would in our opinion be impossible to accept it as a suitable provision for the needs of a large Hindu and Muhammadan population, recruited in India for labour in the Colony under what amounts practically to a guarantee of fair treatment by the Government of the Colony, and to whom no notice was given when they emigrated of the consequences as affecting their religious law which they were likely to incur in their new field of employment. This provision, if retained in the Ordinance, would probably prevent its application, except in the case of persons of the class provided for by Indian Act III of 1872."
19. The proviso to ground (10) has been adopted from the Indian Act just mentioned, which is intended to meet the case of persons who "do not profess the Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion"; it is not appropriate in the case of persons who belong to any of those persuasions.

20. We have no objection to offer to the provisions included under head VIII. Nor do we see anything to which exception need be taken in head IX, provided that the clause securing that the fact of non-registration shall be no evidence either for or against a marriage is retained. This proviso also makes the conditions enumerated under head X unimportant; in its absence we should have many objections to urge to them. A marriage might be perfectly valid according to Hindu or Muhammadan law, yet it could not be registered under the Ordinance by reason of many of these grounds of refusal. E.g., a Hindu child-marriage would be barred by grounds (1) and (3); so also would a Muhammadan marriage, if the parties were adult, though under 16 and 13. Grounds (3) and (5) would bar registration of a polygamous marriage, while ground (4) would allow a woman whose husband had been left behind in India to register a marriage which would, according to her personal law, be unlawful, and in this country punishable as bigamy.

21. In regard to the provisions relating to divorce set forth in paragraph 5 of this dispatch, our remarks in the case of marriages are equally applicable. Divorce is unknown to Hindu law, though the Courts in India have held (as in the case of Assam) that there may be a valid local custom of divorce which would override the general law on the subject. The provisions of the Ordinance are entirely opposed to the Muhammadan law; by that law a husband has an absolute right to divorce, and requires no authority from a Government officer to enable him to do so. The procedure above detailed, culminating in a licence to divorce granted by a Registrar, is therefore an innovation upon the personal law. The prescription of a formula of divorce (Section 25) is also contrary to the Muhammadan law, which allows divorce by the utterance of certain specified words, and distinguishes between revocable and irrevocable repudiation. It appears to us that these provisions conflict with the opinion expressed in our despatch of August 1874, already quoted in paragraph 7 of this letter.

22. We have no objection to offer to Section 32 of the Ordinance; we observe that it is not restricted in its application to persons whose marriages have been registered under the Ordinance.

23. From the foregoing remarks it will be gathered that the draft Ordinance is not in our opinion a measure which meets the views expressed in our despatch of the 25th August 1874; that unless supplemented by an authoritative declaration, either legislative or judicial, of the validity of marriages and divorces carried out according to the personal laws of those immigrants who possess such laws, it will altogether fail to secure the object in view, viz., the regularisation of connections the validity of which is now doubtful, and the introduction of decency and order into the domestic relations of this important section of the population; and that, if so supplemented, it seems likely that it will have little or no effect except in the case of that class (probably a small one) among the immigrants who, while not adopting Christianity, have yet ceased to profess the creed to which they belonged before leaving India; the
majority of such persons would probably not desire to return to this country, and their case might unobjectionably be met by a simple form of civil marriage.

24. What in our opinion is required, and what we advocated in our despatch of 1874, is not a new formula or procedure, but a record of existing facts. In that despatch we said that "an Act for the simple registration of marriages, applicable only to the immigrant population of the Colony," was what the case seemed to call for: and as regards divorce, "that it should be treated like marriages contracted in the island, according to the special laws of the parties concerned, and that its registration should also be compulsory to give it validity in the Colony." Such a measure will be found in the Indian Statute Book in Bengal Act No. I of 1876 ("an Act for the voluntary registration of Muhammadan marriages and divorces"). There are some details of that Act which are not altogether suitable for adoption in the Colonies; for instance, registration of marriages and divorces might, we think, unobjectionably be made compulsory instead of voluntary; and it would not be necessary that, as provided by Section 3, the Registrar should be a person of the faith to which the parties applying for registration belong. But Sections 6 to 23 appear to us to state the general principles on which a measure of the kind should be framed, provision being of course made for the registration of Hindu and Buddhist marriages as well as of those of Muhammadans. It may doubtless be objected that, to require registration for the purpose of giving validity to marriages and divorces is an innovation upon the personal law; this, however, we do not consider to be a matter of any importance, or likely to arouse suspicion among the immigrant population. They would be left perfectly free to follow the rites and ceremonies of their religion as they pleased, and the only condition superadded to the requirements of that religion would be that, in order to obtain recognition for their proceedings in the Colony, they should notify them to the appointed officer within a specified time. The only other suggestion we have to make is, that in the adjudication of matrimonial cases arising among immigrants, the Courts should be aided by a body of delegates consisting of persons acquainted with the law and usages of the community to which the parties belong, such as those constituted in the case of Parsis by Section 21 of the India Parsi Marriage and Divorce Act, No. XV of 1865, if any persons competent to give such assistance can be found in the Colony.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servants,

LYTTON,

F. P. HAINES.

A. J. ARBUTHNOT.

A. CLARKE.

W. STOKES.

RIVERS THOMPSON.

R. STRACHEY.

S. J. BROWNE.
The real question in issue in this case is whether bigamy or polygamy is to be recognised in this Colony in the case of Indian residents, as it is in the case of the Natives or Zulus, and whether the Indian husband who has in this Colony contracted a bigamous or polygamous marriage is entitled to claim registration under Sec. 14, of Law 12, 1872.

There is a minor question as to whether a child under 12 years of age is capable of marriage, and whether such a "marriage" is not in reality simply a betrothal, and as such not entitled to registration. I beg to refer to my report in R. 1873-78, and am of opinion that, this being a bigamous marriage, registration may and should on that ground be refused. The youth of the girl, and the absence of her consent to registration, are, in my opinion, valid grounds for a refusal to register.

Under the Indian Penal Code (Act XLV of 1860) though not in force in this Colony, and though the Sec. 494 is not applicable to Hindostan or Mahometan marriages, provides: "Whoever having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment, &c.

At the March Criminal Sessions a of tender years, married as the girl in this case appears to have been, was indicted for the crime of rape, or otherwise of carnally knowling and abusing a girl under the age of twelve years, and found guilty under the second count, and was sentenced by the Chief-Justice to six months' imprisonment with hard labour. The marriage was not registered.

(Signed) M. H. GALLWEY,
Attorney-General.

4-6-78.

REPORT OF ATTORNEY-GENERAL.

PAPERS 1873-1878.

In this case a legal marriage is said to have been contracted between two Indians, and because the Indian girl thus married is not registered, and cannot produce and be known by her office-registered number, the Protector is said to have refused to register the marriage. The registration referred to is provided for under Law 12, 1872, Sec. 13, by which the Protector is "required to prepare and file in his office a register of all Indian Immigrant women now in Natal." This Section does not compel the Protector to keep up the register, though such a practice might be desirable; and thus it would appear the girl's name is not recorded upon the register.
2. The Sec. 14, under which the registration of Indian Marriages is enforced under a penalty, only requires the husband to forward "a return containing his name, the name of his wife, his abode, and the date of his marriage."

3. The production of the register ticket, or statement of the official number, does not seem a pre-requisite to registration, though the Protector should satisfy himself of the fact of the marriage.

4. The Protector denies the allegation that the production of a register ticket was insisted upon.

5. If the girl in this case is a child, under 12 years of age, I am of opinion that no "marriage" should be registered, as the marriage ceremony can only in reality be a betrothal (whatever it may be termed) which may hereafter give rise to an action for breach of promise. Sec. 15.

6. I am also of opinion that the full and free consent of the man and woman should be insisted upon in every instance, and that neither party be already married.

7. If these prerequisites are complied with, then, and not till then, should the marriage in question be registered.

M. H. GALLWEY,
Attorney-General.

4-6-78.

MINUTE.

March 3rd, 1885.

RESIDENT MAGISTRATE OF DURBAN TO PROTECTOR OF INDIAN IMMIGRANTS.

I have the honour, in the interests of the Indian population, to draw your attention to the apparent laxity in the Law and practice relating to marriages between Indians. It appears to me that any Indian can perform the ceremony; that no records are kept by officiating priests; that many marriages are not registered, and that married Indians separate without any divorce being granted, and contract other matrimonial obligations.

R. I. FINNEMORE,
Resident Magistrate, Durban.
APPENDIX P.

UNSATISFACTORY AND USELESS RECRUITS.

See Report, ch. XVIII, ss. 1, 3, and 11.

Natai, the 19th day of February, 1885.

Before me, Louis H. Mason, Protector of Immigrants.

Appeared AREMUGAN, 33,295, who, being duly cautioned, states:—

I am an indentured Indian assigned to Messrs. C. Acott & Co. I have been in the Colony about a month and a half. I am a weaver by trade, and have never worked and cannot work with the hoe. My brother (nephew) hung himself before he had been on the estate three weeks because he could not do field work; and if I am sent back to the estate to work with the hoe I shall commit suicide in the same way as my brother did. I have been a weaver all my life; I can do nothing else. I have not seen any work that I could do on the estate. I am getting on to 20 years of age. When I said, in my deposition three days ago, I did not know why my nephew hung himself I told an untruth; the reason I now give is the truth: he committed suicide because he could not do field work.

AREMUGAN, his X mark.

Witnessed and Interpreted:

T. MOONOGAN.

Read over, interpreted, and adhered to in my presence,

L. H. MASON,

Protector of Immigrants.

The brother, to whom AREMUGAN referred in the above deposition, was NAHRAMAN, No. 33,320.

See Report, ch. XVIII, ss. 1, 4, and 11.

Effingham Estate, 13th November, 1884.

To the Protector of Indian Immigrants,

SIR,—I would present for your advice three indentured Indians of this Estate, who are utterly useless; they have repeatedly been sent to hospital and returned as incurable.
One, Scurula Theavallu No. 20,376, arrived here by the Unvoti 12th. and was indentured to us 16th, November, 1883.

The second, Nundada Ramiah No. 30,698, ex Unvoti, 13th, was indentured to us 29th April, 1884.

The third, Marudai No. 31,787, ex Cyrone, came here 7th August, 1884. This man was suffering when he arrived from a fistula; since his arrival all his time has been spent in the Avoca Central Hospital.

Please let me know what I can do with these men so as not to have their annual instalments; we have to provide them with food, for which neither of them have done a day’s work for months.

I am, dear Sir,

Yours faithfully,

HY. DUBOISEE,

Manager.

Central Hospital, Avoca.

Re Scurula Theavallu No. 20,376.

Protector of Immigrants—

The Indian Scurula Theavallu No. 20,376, has suffered from general debility, dysentery, and diarrhoea ever since he came on Effingham Estate.

He was long in Central Hospital, Avoca, and has either been in hospital, or on the sick-list at home, from his arrival till now.

That he was diseased before he came to the estate is, I think, evident, and I should not wonder if that induced him to leave India, under the idea that the change might cure him.

He has been slowly dying ever since he came here, and looks as if a few months (perhaps weeks) will end his troubles in death.

Re Nundada Ramiah No. 30,698.

This man has been about 6 months on the estate, and has been unable to work since coming to Effingham; he suffers from enteric disease, probably of a tubercular nature, and is, I think, dying.

I think he was in a diseased state at the time he left India; but whether in a stage at which it could be detected I cannot say.
Re MARUDAI 31,787.

This man, on coming to the estate, was sent to the Central Hospital within a few days. He was suffering from fistula in anus, accompanied by diarrhoea; I operated for the fistula, and he left the hospital a few days ago.

That he suffered from fistula before leaving India does not admit of doubt.

He is a weakly man; he appears in better general health than when he arrived, and he may improve. He was at work yesterday, and has been for a few days past; whether he may be able to continue remains to be seen.

JOHN McINTYRE, M.D.,
Medical Officer, Avoca Circle.
19-11-84.

4th April, 1883.

The Protector of Immigrants, Durban—

Sir,—Referring to your Memorandum of 16th ult. calling for payment of £35, viz., third installment on ten men ex Glenroy III., 23rd March, I have to call your attention to the remarks, concerning this gang of men, as shewn on the attached paper, from which you can plainly see the great loss the estate has incurred by having to pay and ration such men, independent of hospital and medical fees, and not receiving even a fair return of work for such expenses.

I should like to know from you what redress this Company can have in such a case.

I have the honour to be,

Sir,

Your obedient servant,

A. DUMAT,
Managing Director,
Natal Central Sugar Co., Limited.
THE NATAL CENTRAL SUGAR CO., LTD.

COOLIES RX "GLENROY III." 23RD MARCH.

No. Names.
24,143—Rikha Mal.* † ‡
24,145—Nihal.* † ‡
24,186—Burum Sookh.* † || ‡
24,188—Makhon.
24,192—Churah.* †
24,197—Kawal.
24,198—Kasa Ram.†
24,265—Bharut.* † ||
24,300—Dullee.* ‡ ‡
24,321—Kisoon Lal.* †

REMARKS.

* The men marked thus have to be put in the women's field gang (being useless in the men's gang), and then cannot give task or work satisfactorily.

† The men marked thus were throughout the last year absent from five to fourteen days each in every month.

|| The men marked thus have been in gaol at different periods.

‡ The men marked thus, when not absent or in gaol, spend their time on the sick-list or in hospital, especially the man Dullee No. 24,300.

The two remaining men, Makou 24,188, and Kawal 24,197 are only fair hands.

A. DUMAT.

Department of Immigration, Durban,
6th April, 1883.

Sir,—I have the honour to acknowledge the receipt of your letter of the 4th instant, and, in reply, to invite your attention to Section 30, Law 2 of 1870, under which the Indians may be punished by a Magistrate. I know of no other redress, and am exceedingly sorry to hear you have such men on the place.

I have the honour to be,

Sir,

Your obedient Servant,

L. H. MAISON,

Acting Protector of Immigrants, Natal.

Mr. A. DUMAT, Managing Director
Natal Central Sugar Company.
Resident Magistrate’s Office, Verulam, February 4, 1885.

Sir,—In reply to your letter in re Indians Bharat, Modenkutu, Soobranonien, whom you charge with “refusing to work,” and who are indentured Indians, I herewith return them to you, as that offence comes under the provision of Sec. 29 of Law 2, 1870, which provides the penalty for Indians unlawfully absenting themselves from work.

I have the honour to be,

Sir,

Your obedient Servant,

A. E. TITREN:

Resident Magistrate.

A. DUMAT, Esq., Mount Edgecombe.

I certify the undermentioned Indians, male and female, arrived on Friday last on this Estate from the Depot, and have been examined this day by me, and I find—

Moonsamy, No. 33,375—Suffering from very pronounced irregularity of the heart’s action.

Virasami, No. 33,303—Pain in back for a long time past and eczites for some time.

Nurjar, No. 33,422—Phymosis.

Periyasami, No. 33,280—Scabies; also complains of occasional pain in his finger.

Perian, No. 33,427—An old, infirm man, quite unfit to do a day’s field work regularly for any length of time.

Byrayee, No. 33,255—Eczites, also eczema of Scrotum; a very indifferent class of man.

Naracingadu, No. 33,356—Skin eruption; scabies.

Venkatapatti, No. 33,239—Venereal, also Secondary eruption.

Nayadu, 33, 281—Venereal.

FEMALES.

Perumi, No. 33,250—Venereal.

Seetamah, No. 33,256—Venereal.

Mount Edgecombe, 12-1-85.

JOHN McINTYRE, M.D.,

Medical Officer, Avoca Circle.
THE NATAL CENTRAL SUGAR COMPANY, LIMITED.

25th February, 1885.

Indian Immigrants indentured to the Company, and from whom no service can be expected in consequence of their constitutional unfitness:—

<table>
<thead>
<tr>
<th>No.</th>
<th>Names</th>
<th>Dates of Indentures</th>
<th>Ships</th>
<th>Port of Embarkation</th>
<th>Age at time of Indenture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>29272</td>
<td>Atur Sing</td>
<td>7th July, 1883</td>
<td>John Davie</td>
<td>Calcutta</td>
<td>24</td>
<td>Actually in Hospital.</td>
</tr>
<tr>
<td>30767</td>
<td>Bisessour</td>
<td>9th June, 1884</td>
<td>John Davie</td>
<td>Calcutta</td>
<td>25</td>
<td>Very weak, would work if he could.</td>
</tr>
<tr>
<td>31063</td>
<td>Purgun</td>
<td>15th July, 1884</td>
<td>Glenroy</td>
<td>&quot;</td>
<td>26</td>
<td>Actually in Hospital.</td>
</tr>
<tr>
<td>31412</td>
<td>Jeebodh</td>
<td>11th Aug., 1884</td>
<td>Sophina Joakim</td>
<td>&quot;</td>
<td>24</td>
<td>Have always been unfit though they do.</td>
</tr>
<tr>
<td>32146</td>
<td>Kunco</td>
<td>11th Aug., 1884</td>
<td>Sophina Joakim</td>
<td>&quot;</td>
<td>24</td>
<td>Died in Hospital, certificate received 25-2-85.</td>
</tr>
<tr>
<td>32898</td>
<td>Muthasamy</td>
<td>10th Nov., 1884</td>
<td>&quot;</td>
<td>&quot;</td>
<td>18</td>
<td>Actually in Hospital.</td>
</tr>
<tr>
<td>32828</td>
<td>Fakirdeen</td>
<td>10th Nov., 1884</td>
<td>John Allen</td>
<td>&quot;</td>
<td>28</td>
<td>I tried these three men on very light work but they could not do it. Beginning of December last sent them to Hospital, next heard of them from Verulam Gaol, on sick list or Hospital since their return from gaol.</td>
</tr>
<tr>
<td>32822</td>
<td>Kuthassan</td>
<td>11th Aug., 1884</td>
<td>&quot;</td>
<td>&quot;</td>
<td>19</td>
<td>Another instance as the next above. Hernia rendering him unfit to work. On the sick list since his arrival (Dr. McIntyre, 12-1-85). Never worked. In Hospital since 22nd January, 1885. Another instance of the reliance to be put on Depot's Medical Certificates. Came from Durban Depot with venereal with secondary eruptions (Dr. McIntyre's, 12-1-85). Sent at once to Hospital, returned 13th February, 1885. Cured they say? An old weakly man, having no family connection in the gang, and whose wretched appearance suffices to give an idea of the reliance to be placed on the Medical Certificates of the Depot's Surgeons.</td>
</tr>
<tr>
<td>33422</td>
<td>Nunjan</td>
<td>9th Jan., 1885</td>
<td>Dunphailie</td>
<td>Madras</td>
<td>23</td>
<td>Unfit.</td>
</tr>
<tr>
<td>33375</td>
<td>Moonsamy</td>
<td>9th Jan., 1885</td>
<td>&quot;</td>
<td>&quot;</td>
<td>31</td>
<td>Unfit.</td>
</tr>
<tr>
<td>33239</td>
<td>Venkatapathi</td>
<td>9th Jan., 1885</td>
<td>&quot;</td>
<td>&quot;</td>
<td>30</td>
<td>Unfit.</td>
</tr>
<tr>
<td>33740</td>
<td>Nuecapen</td>
<td>23rd Jan., 1885</td>
<td>Lanrel</td>
<td>&quot;</td>
<td>34</td>
<td>Unfit.</td>
</tr>
</tbody>
</table>
APPENDIX Q.

VENEREAL DISEASES.

See Report, Ch. XX, and Ch. XVIII. ss. 7 and 11.

The Protector of Immigrants.

I have delayed replying until I had been round the estates again, so that I could inspect the Medical Registers.

Perhaps the wording of my report may have been a little misleading. I mention the last shipment from India. I should have said the recent allotments to this Circle.

My experience is as follows:—Almost every batch of Indians that arrive on the estates have several cases of venereal disease amongst them.

Some time ago I met a number of Indians en route to Brown’s Estate. The Sirdar in charge asked me to get off my horse and have a look at some of the people. I found about half-a-dozen cases of venereal disease among them. Some were suppurating chancres; the others gonorrhoea. I was informed that some of the cases were of several weeks’ standing.

Mr. S. Knox had four cases of venereal disease in his small allotment.

Mr. Ash had one case.

A few months ago Mr. Hulet had about half-a-dozen cases of venereal disease in one allotment. I saw the Indians a day or two after their arrival on the estate. Some of the people had had the disease for several weeks.

Some years ago I had nearly twenty cases of the disease to treat at Riet Valley, almost all being new arrivals.

Of course there is a period of incubation, which may be from a few days to as long as three weeks—in the case of syphilitic chancre. It is quite possible for a person to appear perfectly healthy at the time of the inspection in Durban, yet the disease may develop itself after a certain period subsequent to the arrival on the estate; but these cases are not of very common occurrence.

As I have already stated, I have met coolies on the road up who had only left Durban two days previous.

I enclose two letters from employers of Indians.

H. W. JONES,
Medical Officer,
Stanger Medical Circle.

27th May, 1885.
Kearsney Estate Minute,
April 26th, 1885.

H. W. Jones, Esq., M.D., Stanger,

Dear Sir,—I am in receipt of your favour of yesterday’s date; in reply you will be well aware that I have frequently complained of the great inconvenience and annoyance I have been put to by the exceedingly careless display in allowing Indians to leave the Depot in an unfit condition whilst suffering from the various venereal diseases so rife amongst these people. I may safely assert that in almost every lot of fresh Indians allotted to me, the disease has been present. The result is that people, perfectly free from these complaints prior to introduction of new people, are liable to contract it. At the present moment one woman is suffering, and she came with the last lot but one I have received. Besides this, out of the same lot of people a man, by name Ramsamy, was received in a sick condition and suffering from venereal disease, which prevented him from walking all on the journey to estate, but had to ride in the wagon. This man received medical attention, immediately upon his arrival, from yourself.

You know as well as I can tell you—or even better—that for months together in consequence of the healthy position of this place we have no need of medical attendance, but, directly new people arrive, sickness appears from various causes incidental to change of life, but three-fourths of this is the result of venereal complaints.

I have the honour to remain,

Your obedient servant,

J. LIEGE HULETT.

VENERAL DISEASE.

Riet Valley, Umbhali,
(Tobacco Plantation),
27th April, 1885.

Dear Dr. Jones,

I was called away to Durban, and omitted writing to you on subject of our conversation—"Venereal Disease." With one exception—"Karrupaye," who was always suffering from "secondary symptoms," I think you call it—we have been clear for a long time until arrival of Dunphaile Castle, last lot.

Three women of this shipment have been under treatment for gonorrhoea; and one or two cases (two cases)—one chancre and one gonorrhoea—among my old men came on since their arrival.

My experience is that new cropsies almost invariably bring a new batch of disease, and it is a beastly nuisance.

Yours very truly,

EDWIN ESSERY.
APPENDIX R.

MEDICAL FEES.

(See Report, ch. xxxv.)

THE NATA L CENTRAL SUGAR COMPANY, LIMITED.

MEDICAL EXPENSES ON INDIAN LABOURERS ONLY AT MOUNT EDGECOMBE ESTATE FROM 1ST JANUARY TO 1ST JULY, 1885.—6 MONTHS.

To Immigration Department:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Fees, £30 per quarter, 6 months</td>
<td></td>
<td></td>
<td>60 0 0</td>
</tr>
<tr>
<td>Hospital Fees &quot;Avoca&quot; accounts paid since 1st January, 1885, to date</td>
<td></td>
<td></td>
<td>71 17 0</td>
</tr>
<tr>
<td>Ditto &quot;Avoca&quot; accounts paid for useless Coolies, pending their return to Indi a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ditto &quot;Depôt&quot; for same</td>
<td></td>
<td></td>
<td>20 13 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>34 9 0</td>
</tr>
<tr>
<td>Do. do. on account Deserters apprehended and placed in Hospital by Protector</td>
<td></td>
<td>12</td>
<td>2 0</td>
</tr>
<tr>
<td>To Doctor McIntyre for Medicines supplied</td>
<td></td>
<td></td>
<td>21 0 0</td>
</tr>
<tr>
<td>To Sundries—Wine, &amp;c.</td>
<td></td>
<td></td>
<td>2 6 9</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>201 14 9</td>
</tr>
</tbody>
</table>

Yearly, £403 9s. 6d.

Irrespective of unpaid fees on account of Coolie patients actually in Hospital at this date, and some of whom have been there a considerable period, and for whom accounts will be rendered when discharged from Hospital, and irrespective also of Medical Attendance and Medicines to the employés of this Estate.

A. DUMAT.
APPENDIX S.

THE NATAL CENTRAL SUGAR COMPANY LIMITED.

MARCH 6TH, 1885.

Daily Return, Indian Immigrants.

<table>
<thead>
<tr>
<th></th>
<th>LABOURERS</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indentured</td>
<td></td>
<td>Free</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Men</td>
<td>Boys</td>
<td>Women</td>
<td>Men</td>
<td>Boys</td>
<td>Women</td>
</tr>
<tr>
<td>Total at Work</td>
<td>378</td>
<td>4</td>
<td>61</td>
<td>127</td>
<td>15</td>
<td>26</td>
</tr>
<tr>
<td>Deserters</td>
<td>4</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Absent</td>
<td>40</td>
<td>5</td>
<td>89</td>
<td>16</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>Sick on Estate</td>
<td>29</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Gaol</td>
<td>5</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Government Hospital</td>
<td>11</td>
<td>...</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>On Leave</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Grand Total</td>
<td>467</td>
<td>9</td>
<td>151</td>
<td>143</td>
<td>26</td>
<td>27</td>
</tr>
</tbody>
</table>

The above return shows that on March 6th, 1885, 212 out of 823 Indian men, women and boys, i.e., nearly one-fourth of the Indian labour force on this estate, were not at work.
APPENDIX T.

See, further, Report, ch. 1, section 6 in fine.

Return shewing how many complaints were made by Indians, that they applied to their masters for medical treatment which was not supplied to them, (coast and up-country), with the number of convictions, in 1883, 1884, and 1885:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Complaints</th>
<th>Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1883</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1884</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>1885</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>12</td>
</tr>
</tbody>
</table>

APPENDIX U.

INDIAN IMMIGRATION DEPARTMENT.—EXPENDITURE IN SALARIES.

See Report, ch. XXXIII, and further remarks of Mr. Saunders, page 94.

The Establishment of the Protector of Immigrants, and Salaries and Allowances chargeable to the Indian Immigration Trust Fund, on 30th September, 1875.

**SALARIES.**

<table>
<thead>
<tr>
<th></th>
<th>Yearly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protector of Immigrants</td>
<td>500 0 0</td>
<td>41 13 4</td>
</tr>
<tr>
<td>Assistant Protector</td>
<td>200 0 0</td>
<td>16 13 4</td>
</tr>
<tr>
<td>Clerk for service in Indian Department</td>
<td>55 0 0</td>
<td>4 11 8</td>
</tr>
<tr>
<td>Depôt Clerk</td>
<td>72 0 0</td>
<td>6 0 0</td>
</tr>
<tr>
<td>Hindustani Interpreter</td>
<td>72 0 0</td>
<td>6 0 0</td>
</tr>
<tr>
<td>Office Interpreter</td>
<td>48 0 0</td>
<td>4 0 0</td>
</tr>
<tr>
<td>Compounder and Depôt Hospital Assistant</td>
<td>36 0 0</td>
<td>3 0 0</td>
</tr>
<tr>
<td></td>
<td>983 0 0</td>
<td>81 18 4</td>
</tr>
</tbody>
</table>

**ALLOWANCES.**

|                  |                  |
| Protector of Immigrants' Forage Allowance | 111 12 0       | 9 6 0          |

**Total** | £1,094 12 0     | 91 4 4        |

The actual expenditure for the twelve months, from October 1st, 1874, to September 30th, 1875, was less than appears in the above return by the sum of £128 4s. 7d.
PURCHASE OF DISCHARGE BY INDENTURED INDIANS.

REPORT OF ATTORNEY-GENERAL.

Papers 4943—1883.

The effect of the decision of the Supreme Court rendering illegal the cancelling of an Indentured Indian's engagement is, that the employer is liable to the Indian Immigration Trust Board for the instalments and medical fees due in regard to an Immigrant during the term of his first five years' contract.

The question of the money alleged to have been paid by this Indian to Mr. Stuart to purchase his discharge is a personal debt between Mr. Stuart and the Indian, which the latter is entitled to recover by an action condicio indebiti from Mr. Stuart, but in which the Trust Board has no interest.

M. H. GALLWEY,
Attorney-General.

15th February, 1884.

APPENDIX W.

PATIENT DEPARTING FROM CENTRAL HOSPITAL WITHOUT MEDICAL OFFICER'S PERMISSION.

See Evidence, pp. 249-250; Notes and Observations, pp. 452-453.

Umzinto, 17th April, 1885.

An indentured Indian woman, of Maryville Estate, was admitted into Central Hospital, suffering with a very large ovarian tumour. She was in a weak, debilitated condition, and had to be sent in a cart. I drew off next day some 35 oz., the contents of tumour; and it was necessary to repeat this operation, I think, five times at intervals of three or four days.

The wound was most carefully dressed antiseptically, by my own hands daily—and the woman was beginning to gain flesh and pick up in condition.

Last Sunday her husband came to me and said he should like her to go home, as she was all right now. I told him she could not go for a few days, as the hole in the abdomen was not healed. On Monday morning the Compounder wrote, informing me that the woman had been abducted during the night—he believed by the husband and another man.

On my visit at Maryville yesterday I saw her, when her condition was very much worse than when she left hospital, her legs and feet being much swollen—besides this, dressing has not been changed for seven days. Even if the woman returns to hospital now, I can hardly expect to save her life; and, if she remains where she is, her end will be soon. Is there no way of having these men punished? It is a very serious thing.

W. P. TRITTON.
APPENDIX X.

INDENTURED INDIANS DESERTING TO THE DIAMOND FIELDS.

L 132
85

Natal Government Railways,
2nd March, 1885.

INDIAN AND NATIVE LABOUR DEPARTMENT.

To the Chairman of the Commission
on Indian Immigration Laws, &c., &c.

SIR,—I have the honor to submit the annexed correspondence which has taken place between this Department and the Protector of Immigrants, for the perusal of the Commission. It shows clearly that any and all of the Assigned Indian population can, with impunity, desert from their employers in Natal, and that, once over the border, there is no law in existence under which they can be arrested and brought back again.

It is scarcely necessary for me to point out how such a state of things militates against the interests of employers; the facts speak for themselves.

I have the honour to be,

Sir,

Your obedient Servant,

J. F. MANisty,
Supt. Indian and Native Labour Department.

L 132
85

10th February, 1885.

Superintendent Indian and Native Labor, Durban, Protector of Immigrants.

JOHN JAMES.

I forward for your perusal and inspection the annexed papers.

You will see the letter is from one of our assigned Coolies, who deserted as reported to you by my letter No. 88 of 12th January, 1885.

This makes four desertions to the Diamond Fields during the last twelve months, and I have on my table no less than eight letters from these deserters to assigned men in this Department. By these means, the men in this Department are kept in a state of continual ferment and incited to desert.
I should be glad to know if you can see your way to have these four men arrested and brought down from the Diamond Fields, names as under.

The expense for the four will be very little more than for one, and the example thereby made would be most beneficial to our future working, and the expense would be well worth incurring by this Department.

J. F. MANISTRY,
Supt. Indian and Native Labour.

Department of Immigration,
Durban, 18th February, 1885.

Sir,—I have the honor to acknowledge the receipt of your letter of the 17th instant, relating to desertions of Indentured Indians from your department to the Diamond Fields.

2. Your letter respecting John James 23091, in which you suggested the arrest of the deserters from your department who might be at the Diamond Fields, has been submitted to the Government, and the subject will not be lost sight of.

I have the honor to be,

Sir,
Your obedient Servant,
L. H. MASON,
Protector of Immigrants.
The Superintendent, Labour Department,
N. G. Railways, Durban.

Department of Immigration,
Durban, Natal, 24th February, 1885.

Sir,—Referring further to your letter of 10th February, 1885, relating to certain Indians indentured to your department who have absconded and gone to the Diamond Fields, I have the honour to inform you that reference has been made to the Government on the point of whether it would be possible to have the men who are there arrested and brought back.

2. The course you suggest I find cannot legally be put into practice. The "Fugitive" Offenders Act, 1881, Section 9, provides that the Act shall only apply to offences punishable by imprisonment for a term of twelve months or more. For absence without a pass, as you are aware, the maximum punishment is 14 days' imprisonment.

I have the honor to be,

Sir,
Your obedient Servant,
L. H. MASON,
Protector of Immigrants.
The Supt., Labour Department,
N. G. Railways, Durban.
An indentured Indian, serving his employer in a district not within a Medical Circle, broke his leg, by falling from a horse not the property of the employer, on a Sunday and when not performing any duty for the employer. Leg was amputated. Employer's request, for a refund of heavy medical expenses incurred by him, was refused by the Indian Immigration Department.

Ladysmith, 5th May, 1885.

To the Chairman of the
Indian Immigration Commission,
Maritzburg.

Sir,—For and on behalf of Mr. James Garson, of Onderbroek Spruit, near Ladysmith, we beg respectfully to submit the following Petition in the matter of Indentured Indian Sookie, No. 23430, whose leg was amputated in consequence of accident, as set forth below.

Mr. Garson states that at the time of the accident, on a Sunday, the cow was not on duty, nor in any way employed by him, that the horse the man was thrown from did not belong to him. Mr. Garson. The man was entirely on his own responsibility.

We enclose copies of our letters, Nos. 1 and 2, addressed to the Protector of Immigrants, dated respectively the 9th and 20th of December, 1884, reporting this matter.

Mr. Garson prays for relief from the heavy expense he has been put to in this matter; he says he is but a "working man," and this outlay has been a severe tax upon his resources.

We enclose our letter of the 17th January last to the Protector of Immigrants, together with his reply, dated 20th January.

Schedule of moneys actually paid out is also appended.

Mr. Garson lives some ten or miles from Ladysmith. As a lessee of one of the properties in our charge, we have known him some little time; he certainly is a hardworking, industrious man; and in this matter of the cowie he has done his best for the man.

We pray your favourable consideration of his case.

We remain, Sir,

Yours obediently,

WALTON & TATHAM,
per C. H. HADEN.
Enclosures.

Walton & Tatham's letter to Protector of Immigrants of 9th December, 1884.
Do., 20th December, 1884.
Do., 17th January, 1885.
Protector of Immigrants to Walton & Tatham, dated 11th December, 1884.
Do., 24th January, 1885.
Schedule of Expenses.
J. T. Spettigue's certificate for £3 9s. 6d. paid.
Dr. Heath's medical account.

[No. 1.]

Ladysmith, 9th Dec., 1884.

The Protector of Immigrants, Durban.

Sir,—Mr. James Garson, living some 10 miles or so out of Ladysmith, on the Maritzburg road, has requested us to report an accident to one of his coolies named "Sookye," who broke his leg by a fall off a horse on Sunday last. The leg was badly hurt and had to be amputated below the knee. The man is in Ladysmith doing well.

We remain, Sir,
Yours obediently,
WALTON & TATHAM,
per C. H. HADEN.

Department of Immigration,
Durban, 11th December, 1884.

Sirs,—I have the honour to acknowledge the receipt of your letter of the 9th inst., informing me of an accident to an Indian employed by Mr. Jas. Garson, which has resulted in his having one of his legs amputated.

2. Will you please furnish me with the name and number of the Indian, whether indentured or free, and state the circumstances under which the accident occurred, and whether it was while performing his master's duties?

I have the honour to be,
Sirs,
Your obedient Servant,
L. H. MASON,
Protector of Immigrants, Natal.

Messrs. Walton & Tatham, Ladysmith.

[No. 2.]

Ladysmith, 20th Dec., 1884.

The Protector of Immigrants, Durban.

Sir,—
In J. Garson's matter of Indian Immigrant.

We acknowledge receipt of your letter of the 11th instant.

1. Name of Indian, Sookie No. 23830.

2. Indentured to Mr. J. Garson 30th Nov., 1880, for 5 years,
With regard to the accident, Mr. Garson states that it occurred on Sunday forenoon, about 10 o'clock, 7th instant. The man was not riding a horse of Mr. Garson's, nor was he doing any duty for his master, the man was entirely at his own disposal during the whole of that Sunday.

We remain, Sir,
Yours obediently,
WALTON & TATHAM,
per C. H. HADEN.

[No. 3.]

Ladysmith, 17th January, 1885.

The Protector of Immigrants, Durban.

Sir,—Mr. Garson desires us to forward the enclosed account for medical attendance on the Indian who broke his leg and underwent amputation, as duly reported.

Mr. Garson respectfully submits this account for the favourable consideration of the Board.

He explains the item £7 3s. paid on account as certain fees or moneys which the Doctor required him to pay for the Indian.

We remain, Sir,
Yours obediently,
WALTON & TATHAM,
per C. H. HADEN.

Ladysmith, 8th January, 1885.

JAMES GARSON,

to

Dr. LYLE HEATH, L.R.C.S.I., for professional attendance on indentured Coolie.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec. 7th</td>
<td>Journey to see Coolie</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Amputating leg</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Three visits at 5s. (Gaol)</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Draught</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>8th</td>
<td>Two visits 10s., Draught 1s. 6d.</td>
<td>0</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>9th</td>
<td>One visit 5s.</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Attendance during journey to W.</td>
<td></td>
<td></td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>King's</td>
<td>10</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two visits (night) at W. King's,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15s. per visit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10th</td>
<td>Visit 7s. 6d., attendance 2s. 6d.</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Visit (night) 15s.</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>11th</td>
<td>Two visits 15s., attendance 2s. 6d.</td>
<td>0</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td>12th</td>
<td>Visit and attendance 10s.</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>13th</td>
<td>Visit 7s. 6d., attendance 2s. 6d.</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>14th</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>15th</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>17th</td>
<td>Visit and attendance and mixture</td>
<td>0</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>19th</td>
<td>Visit and attendance 10s., visit</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(night) 15s.</td>
<td>5</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>20th</td>
<td>Visit and attendance</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>21st</td>
<td>Visit and attendance and mixture</td>
<td>0</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>22nd</td>
<td>Visit and attendance</td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>
Dec. 23rd—Visit (night)  ...  ...  1 5 0
" 24th—Visit and attendance  ...  ...  0 10 0
" 25th—Visit and attendance and mixture 0 15 0
" 26th—Visit and attendance  ...  ...  0 10 0
" 27th—Visit and attendance  ...  ...  0 10 0
" 28th—  ...  ...  0 10 0
" 29th—  ...  ...  0 10 0
" 30th—Visit and attendance 10s., lint 1s. 0 11 0
£20 4 6

LYLE HEATH, L.R.C.S.I.

Received on account  ...  ...  7 3 0
Due  ...  ...  £13 1 6

Department of Immigration,
Durban, 20th January, 1885.

Sirs,—I have the honour to acknowledge the receipt of your letter of the 17th inst., forwarding an account for £20 4s. 6d. incurred by Mr. Garson for medical attendance on an Indian who got his leg broken. This account I here-with return.

2. As Mr. Garson is not within a Medical Circle and does not therefore pay medical fees, no refund can be made to him in respect of the amount, which is a charge proper for him to defray.

I have the honor to be,
Sirs,
Your obedient Servant,
L. H. MASON,
Protector of Immigrants, Natal.

MESSRS. WALTON & TATHAM, LADYSMITH.

SCHEDULE OF EXPENSES INCURRED IN THE MATTER OF INDENTURED INDIAN Sookie No. 23830, IN THE SERVICE OF MR. JAS. GARSON.

1884.

Dec. 7th to 30th—

<table>
<thead>
<tr>
<th>Item</th>
<th>Paid</th>
<th>Unpaid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Spettigue's account for Medicines supplied in Ladysmith</td>
<td>£ 3 9 6</td>
<td></td>
</tr>
<tr>
<td>Food and keep of Coolie for 3 weeks, at 20s.</td>
<td>3 0 0</td>
<td></td>
</tr>
<tr>
<td>Attendant, Coolie woman, wages 10s., and also for her keep 10s.</td>
<td>1 0 0</td>
<td></td>
</tr>
<tr>
<td>Paid for Rent of Room in Ladysmith</td>
<td>0 10 0</td>
<td></td>
</tr>
<tr>
<td>Paid for Stretcher</td>
<td>0 16 0</td>
<td></td>
</tr>
<tr>
<td>Paid for a Wooden Leg</td>
<td>0 8 6</td>
<td></td>
</tr>
<tr>
<td>Paid Dr. Heath on account Medical Attendance, &amp;c., £20 4s. 6d.</td>
<td>7 3 0</td>
<td></td>
</tr>
<tr>
<td>Balance of Dr. Heath's account for Medical Attendance herein</td>
<td>13 1 6</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>16 7 0</td>
<td>13 1 6</td>
</tr>
</tbody>
</table>

WALTON & TATHAM,
per C. H. HADEN,
for JAS. GARSON.

Ladysmith, 5th May, 1885.
Ladysmith, May 2nd, 1885.

I hereby certify that Mr. Garsen has paid me the sum of Three Pounds Nine Shillings and Sixpence (£3 9s. 6d.) for medicines which were required for a Coolie in his employ.

J. T. SPETTIGUE,
Registered Chemist.

APPENDIX Z.

Rules 1877, 1880, 1884, and 1885.

Government Notice, No. 448, 1880.

HIS Excellency the Governor directs the publication of the following Rule, No. 48, to be added to the existing Rules for the Collection of the Coolie Medical Fund, and the Establishment of Coolie Hospitals, which Rules are herewith re-published for general information.

By His Excellency's command,

C. B. H. MITCHELL,
Colonial Secretary,

Colonial Secretary's Office, Natal,
October 28th, 1880.

RULE No. 48.

Any employer of Indian Immigrants who shall neglect to provide an Estate Hospital for such Immigrants to the satisfaction of the Protector of Immigrants, as required by the existing Rules, after having received due notice of the intention of the Government to enforce the same, shall be liable to a penalty not exceeding £25.

Approved by His Excellency in Council on the 10th day of June, 1880.

C. B. H. MITCHELL,
Colonial Secretary.
RULES FOR THE COLLECTION OF THE COOLIE MEDICAL FUND, AND THE ESTABLISHMENT OF COOLIE HOSPITALS.

Under and by virtue of the powers conferred upon him by Sect. 4, Law 14, of 1875, the Lieutenant-Governor in Council has been pleased to make the following rules, orders, and regulations, regarding the establishment, management, control, inspection, and supervision of Hospitals for Indian Immigrants, and for regulating the duties of the Indian Immigration Trust Board of Natal, and generally for carrying out the provisions of the said law:—

1. Each employer of Indian Immigrants shall forward to the Protector of Immigrants, on or before the 10th day of January, the 10th day of April, the 10th day of July, and the 10th day of October, in each year, for the quarter immediately preceding, a quarterly return of the number of male statute adult Indian Immigrants in his employ (indentured and free), in the form hereafter given, marked A.

2. The payment of medical fees, required to be made by employers of Indian Immigrants, by Section 2 of the said Law No. 14, of 1875, shall be made on or before the said 10th day of January, the 10th day of April, the 10th day of July, and the 10th day of October, in each year, for the quarter immediately preceding, and shall be made by crossed cheques in favour of the Protector of Immigrants, which said cheques shall accompany the quarterly return above referred to.

3. The Protector of Immigrants shall pay over all moneys so received by him from time to time, to the credit of the Indian Immigration Trust Board of Natal.

4. The Indian Immigration Trust Board of Natal shall, out of the moneys so received by them from the Protector of Immigrants, pay such salaries to Medical Practitioners as the Lieutenant-Governor in Council may from time to time direct, and shall otherwise pay and apply such moneys in such manner, and for such purposes connected with the medical attendance and accommodation of Indian Immigrants, printing of forms, books, stationery, and all incidental office expenses, as the Lieutenant-Governor may from time to time direct.

5. The Indian Immigration Trust Board of Natal shall open a separate account of all receipts and disbursements of moneys so received and paid by them, collected under provisions of Law No. 14, of 1875, and all disbursements shall be made by the said Board, under the authority of the Lieutenant-Governor in Council from time to time obtained.

6. A Clerk shall be appointed by His Excellency the Lieutenant-Governor (to be called the Medical Clerk, at a salary of £150 per annum, to be paid out of funds at the disposal of the Indian Immigration Trust Board); he shall be required to enter into a bond of £200, and two sureties of £150 each, for the due performance of his duties.

7. The Medical Clerk shall attend to all matters relative to the medical Fund, issue forms of returns, check all such returns sent in by employers of Indian Immigrants by the books of the Immigration Department, and shall ascertain if the number so returned is correct; and, in cases of doubtful returns being made, shall visit estates for the purpose of verifying such returns, and shall also perform such other duties as may be required by the Protector of Immigrants or his assistant.
8. The Medical Clerk shall collect all moneys payable under Law No. 14, of 1875. He shall be required to keep a Receipt Book, Cash Book, Ledger, and any other books that may be found necessary.

9. On each estate where a larger number than twenty indentured Indian Immigrants are employed, the owner or occupier of such estate shall be required to maintain a proper and sufficient building, to be approved by the Protector of Immigrants, as a hospital for such Immigrants, and to keep at all times therein a good and sufficient supply of medicines, medical comforts, and bedding.

10. Any two or more owners or occupiers of estates, if situated within a radius of six miles, may arrange together, with the sanction of the Lieutenant-Governor, for the establishment and maintenance of a common hospital for such several estates, where circumstances admit of such an arrangement being conveniently carried out.

11. Estate Hospitals shall be situated on convenient sites, to be approved by the Protector of Immigrants and Medical Officer, with two separate wards, one for males, the other for females, and shall consist of one or more buildings to be reserved exclusively for hospital purposes.

12. Estate Hospitals shall be sufficiently large to allow at least sixty square feet, and five hundred cubic feet of space for each patient, and to accommodate at least three per centum of the number of Immigrants employed on the estate, provided that in no case shall the hospital contain beds or sleeping places for fewer than four persons.

13. In addition to the space allowed to the patients, the Hospital shall contain sufficient accommodation for the hospital nurses or attendants; and a dispensary, with necessary out-buildings, to be approved by the Protector of Immigrants and Medical Officer.

14. Proper nurses or attendants, subject to the approval of the Medical Officer, shall be provided by the owner or occupier of each estate, to attend to the sick.

15. Estate Hospitals shall be built of either brick, stone, planking, iron, wattle and daub, or such material as may be approved by the Protector of Immigrants; they shall be well ventilated and drained, and shall be roofed with either slate, thatch, iron, or tiles.

16. Estate Hospitals shall be entirely separate from any huts provided for the labourers, and shall be completely enclosed by means of a fence or wall of sufficient height.

17. All Indian Immigrants reporting themselves unfit for work shall go into the Estate Hospital, and shall remain there until the next visit of the Medical Officer, except in cases of severe illness or emergency of any kind, when the employers or owner shall at once inform the Medical Officer.

18. The Medical Officer may at any time, should he see fit, order any patient to be removed at the expense of the employer from the Estate Hospital, for residence and treatment in the Central Hospital.

19. Any Indian Immigrant refusing to go into hospital when ordered to do so shall be deemed absent without leave, and liable to punishment accordingly.
20. The orders of the Medical Officer with regard to patients in the Estate Hospitals shall be strictly carried out.

21. Every employer of Indian Immigrants is required to keep a "General and Medical Register Book," as per form annexed, marked B, and to furnish a copy of the entries each month to the Medical Officer.

22. Where Central Hospitals are erected, the Medical Officer of the circle in which such Central Hospital is situated shall reside at such hospital or as near to it as possible. The Medical Officer shall visit the hospital at least once a day. He shall exercise a general supervision and control over the patients and servants of the hospital, and shall see that the regulations are strictly carried out.

23. A sufficient supply of medicines, medical comforts, surgical instruments, provisions, and clothing, shall at all times be kept at the Central Hospital, and their cost shall be provided out of the Medical Fund.

24. The Medical Officer shall authorize the admission to and discharge from the Central Hospital of every patient, and in all cases of serious emergency or accident requiring surgical treatment, the person in charge of such hospital shall, in the absence of the Medical Officer, admit such patient, and report such admission to the Medical Officer on his arrival.

25. A fee of one shilling per diem per adult shall be charged during the residence and treatment of any patient admitted to the Central Hospital, and shall be paid by the employer.

26. In respect of every patient kept in a Central Hospital there shall be paid by the owner of the estate with whose patient is employed a sum of money sufficient to provide daily nourishment and medicine in lieu of the nourishment and medicine which the employer would have had to provide for the said patient on an Estate Hospital.

27. The staff of the Central Hospital shall consist of the Medical Officer of the circle, one Indian assistant compounder and interpreter, one male and one female attendant, two cooks, one wood-cutter and water-carrier, whose salaries shall be paid out of the Medical Fund.

28. It shall be competent to the Medical Officer to decline to admit any Indian Immigrant to a Central Hospital, but in any case where a patient is declined by the Medical Officer, the ground of such proceeding must be fully and clearly placed on record in the Case-book of the Hospital.

29. Indian Immigrants actually destitute shall only be admitted to the Central Hospital for ordinary medical treatment under the order of the Protector of Immigrants or Resident Magistrate of the District.

30. A Central Hospital shall be visited at least once a month by the Protector of Immigrants or the Assistant to the Protector. The visitor shall pass through all the wards, and receive any statement offered to him by either patients under treatment or officers of the Hospital. At each visit he shall either give redress to any reasonable complaints or shall bring the same to the notice of the Lieutenant-Governor. He shall also inspect the books, and shall record in a book kept for the purpose the condition in which he finds the institution, noting any complaints which may have been made to him.
31. The wards of the Hospital shall be opened between the hours of 2 p.m. and 5 p.m. every day to approved visitors. A Visitors' Book shall be kept, in which visitors shall be requested to record their visits with any remarks they may wish to bring under the notice of the Protector of Immigrants.

32. Friends of Patients shall be admitted on Mondays, Thursdays, and Saturdays, between the hours of 2 p.m. and 5 p.m., except in cases in which the Medical Officer may deem it necessary to suspend the privilege for the benefit of the patient. Friends of patients will only be admitted at other than the prescribed hours at the discretion of the Medical Officer.

33. Patients, during residence, shall conform to any Regulations which may be established for the orderly management of the hospital.

34. The Medical Officer shall be required to keep a Case-book, in which shall be duly registered the character, progress, treatment, and result of all cases that come under his care in the Hospital. This Book shall be open to inspection by the Protector of Immigrants or his Assistant.

35. A daily Expenditure-book of provisions and Medical Comforts, &c., shall be kept at the Central Hospitals, and shall be examined and certified at least once a week by the Medical Officer, who shall append his certificate that, to the best of his belief, the precise Medical Comforts, Provisions, and Medicines, ordered by him, have been given to the patients.

36. The Indian assistant compounder and interpreter shall reside at the Central Hospital; he shall render obedience to all lawful orders of the Protector of Immigrants and Medical Officer, and give general superintendence and assistance in nursing male patients, and in keeping the accounts of the Hospital. He shall also give attendance and aid in surgical operations.

37. The Male and Female Attendants shall be held responsible for the general arrangements for cooking, cleaning, serving, and nursing within the establishment.

38. The Medical Officer shall be required to furnish the Protector of Immigrants with a return of the provisions, medical comforts, &c., issued during the month, showing the daily issue (in the form hereafter given marked C), the balance on hand from the previous mth (if any), purchases during the month, and balance on hand at the close of the month. This return shall be certified by the Medical Officer, and forwarded to the Protector of Immigrants on or before the 10th day of each month.

39. The Medical Officer shall report to the Protector of Immigrants any misconduct on the part of the Hospital attendants or others employed in the Central Hospitals.

40. Central Hospitals shall be placed on convenient sites to be approved by the Lieutenant-Governor and the Medical Officer of the circle. The Hospitals shall be sufficiently large to accommodate at least 30 patients, allowing for each patient 1,000 cubic feet of space; sufficient accommodation shall be provided in the Hospital for the Indian assistant
compounder and interpreter, and attendants. The Hospital shall contain a dispensary, properly fitted, and a private room for Medical Officer. Suitable outbuildings shall also be provided, i.e., kitchen, rooms for cooks, latrines, lavatories, hot and cold baths, &c. The whole shall be enclosed by a suitable fence or wall.

41. Each Medical Officer shall visit every estate in his circle, upon which thirty Indians are employed, at least once in each week; and every other estate where more than five are employed at least once a fortnight. He shall keep duly posted at every estate two books, viz., a Visit Book and a Case Book. In the former he shall enter the date and time of his visit, and general remarks; and in the latter a memorandum of every case under treatment, showing the treatment pursued and its result.

42. In cases of severe illness and emergency of any kind, he shall attend as frequently as the urgency of the case may demand.

43. When summoned by the person in charge of an estate, on account of sickness, it shall be his duty to attend at any time, with as little delay as practicable.

44. The Medical Officer shall forward the copies of the entries in the "General and Medical Register," furnished to him by Employers, with an abstract for the whole district to the Protector of Immigrants by the 20th of each month. He shall also see that estate owners, carry out the hospital and other arrangements required by law, and report thereon periodically to the Protector of Immigrants.

45. Indian Immigrants shall be admitted to the Durban Hospital under the Rules and Regulations of the Hospital i.e., a payment of 2s. per diem for each individual immigrant shall be charged for diet, medicines, and treatment; each application for admission must be accompanied by a guarantee from the employer for the due payment of the above fee.

46. The Resident Officer shall be authorised at his own discretion at once to receive any Indian Immigrant who appears to be in urgent need until he can bring the case under the notice of the Resident Magistrate.

17. In case of any dispute arising as to the interpretation of these Rules, the decision of the Protector of Immigrants shall be final, saving a right of appeal to His Excellency the Lieutenant-Governor.

MURDOCH McLEOD,
Protector of Immigrants.

Immigration Department,
March 6, 1887.
### QUARTERLY RETURN OF INDIAN IMMIGRANTS, UNDER LAW No. 14, 1875.

<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Year</th>
<th>Months included in Quarter</th>
<th>Number of Male Statute Adults employed in each month</th>
<th>Total Number for whom payment is due</th>
<th>Date on which Return is forwarded to Protector of Immigrants</th>
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<td>Free.</td>
<td>Indentured.</td>
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I certify that the above Return is correct.

Employer.
# GENERAL AND MEDICAL REGISTER.

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<thead>
<tr>
<th>Name</th>
<th>Sex</th>
<th>Age</th>
<th>Official No.</th>
<th>Disease</th>
<th>Continues at work</th>
<th>When reported Sick</th>
<th>Result</th>
<th>Date of Result</th>
<th>Days on which seen by Medical Officer</th>
<th>Observations</th>
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[Form B.]
## RETURNS OF RATIONS AND NECESSARIES

Issued to ___________________________ in Central Hospital _________________ during the Month of ________________________ 188

<table>
<thead>
<tr>
<th>Date</th>
<th>Adults.</th>
<th>Rice</th>
<th>Meat</th>
<th>Drink</th>
<th>Salt</th>
<th>Grease</th>
<th>Fish</th>
<th>Beef</th>
<th>Mutton</th>
<th>Tobacco</th>
<th>Rum.</th>
<th>Tobacco</th>
<th>Curry</th>
<th>Soap</th>
<th>Oil</th>
<th>Firewood</th>
<th>Bread</th>
<th>Wine</th>
<th>Milk</th>
<th>Remarks</th>
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All Variations from Dietary Scale made by my Orders, I certify that the foregoing return is correct.

................................................. Medical Officer. ................................................. Medical Officer.
GOVERNMENT NOTICE No. 270, 1884.

UNDER and by virtue of the powers vested in him by Section 70 of Law 2 of 1870, the Governor has been pleased to make the following Rule, that is to say:—

"It shall not be lawful for the employers of Indentured Indian Immigrants or for any other person or persons to take any of such Indians beyond the inland boundaries of this Colony without the permission in writing of the Protector of Immigrants for the time being first had and obtained. Any employer or other person, as aforesaid, taking any Indentured Indian Immigrant beyond the inland borders of the Colony without such written permission shall be deemed to have contravened this Rule, and shall be liable therefor to a penalty not exceeding Two Pounds."

By His Excellency's command,

C. B. H. MITCHELL,
Colonial Secretary.

Colonial Secretary's Office, Natal,
July 23rd, 1884.

GOVERNMENT NOTICE No. 7, 1885.

THE following Rule, approved by His Excellency the Governor in Council, in terms of Section 70 of Law No. 2 of 1870, is published for general information.

By His Excellency's command,

C. B. H. MITCHELL,
Colonial Secretary.

Colonial Secretary's Office, Natal,
January 2, 1885.

Rule.

Any expenses incurred by the Protector of Indian Immigrants or by any Resident Magistrate for Constables or Messengers' Fees, or otherwise, in returning to any employer's Estate, Farm, or Residence any Indian who shall have deserted from such employer, shall, so far as certified by the Protector of Immigrants or Resident Magistrate to be proper and necessary expenses, be claimable and recoverable from the employer by the Protector of Immigrants or Resident Magistrate who incurred the same.
APPENDIX Z^1.

See Report, Ch. XLIV., s. 21, p. 87.

Report of the Select Committee, appointed to consider the introduction of Native labourers from beyond the border of the Colony, with Memorandum by the Secretary for Native Affairs.—November 13th, 1872.

REPORT OF SELECT COMMITTEE.

1. In considering this important question, your Committee have been fortunate enough to receive much intelligent and important evidence bearing upon it from reliable witnesses, whose travels and experience entitle them to respect, and their opinions to careful attention. It will be most convenient that the whole aspect of the matter, as reflected by this evidence, should first be presented to the Council, and that then your Committee should proceed to make such specific recommendations as may appear necessary.

2. It happens with most countries that when the necessity for additional labour arises, the source of supply is distant, and the means of procuring it both tedious and expensive; but Natal is a remarkable exception to this general condition, because it is almost surrounded by native tribes, and the area of its chief labour supply, outside of itself, extends from its northern boundary to the Zambesi River.

3. The inhabitants of this immense region are estimated at several millions, and among them all, the Government and the people of Natal are held in the highest respect.

4. We know from the testimony of European travellers, and from such of the natives themselves as are enterprising enough to seek, unaided, a field for their industry in this Colony, that among large masses of this population, there exists not only willingness but anxiety for the opportunity of earning money in Natal; and if further evidence were wanted on this subject, we have it in the fact that considerable numbers of them do come annually to Natal, both by land and by sea, of their own free will, and that after a stay of one-and-a-half or two years, they leave with the results.
of their labours, to return to their homes. We also know
that no inconsiderable proportion of those who make the
attempt over land, with their scanty supply of food, and still
more scanty covering, die annually on their way to Natal
from starvation and exposure.

5. There is also the significant fact that parties of these
people return to the same masters after two or three years
of absence, and that they are sometimes found to have care-
fully preserved, and to bring back with them, the papers
which those masters gave them when they started on their journey
homewards; showing that, in their experience at least, those
unofficial and legally valueless papers were useful in contrib-
uting to their safe conduct; and no one can estimate the
importance this shows to be attached to such documents, who
are ignorant of the trouble it costs to preserve from speedy
destruction a piece of paper in a native hut on the East
Coast of Africa.

6. Then we have the recent and still more remarkable
development that on the expiration of their term of service,
parties of labourers sometimes select two or three of their
number, and entrust them with the bulk of the earnings of
the whole party in gold, to return with it by ship, while the
main body finds its way home overland.

7. In these arrangements and precautions, your Committee
see attempts at organization, made by the people themselves,
to secure advantages which they evidently highly value; and
the position of the whole matter, when summed up, seems to
be that a great demand for labour exists in the Colony, which
is likely, indeed certain, to increase year by year; that a
strong desire is felt among large populations outside, and
more or less remote from the Colony, to improve their condi-
tion by satisfying this demand; that the earnestness of this
desire is continually proved by the arrival of parties of men
belonging to these populations in search of employment,
notwithstanding the dangers and hardships often fatal to
their comrades, which they have to encounter; and there-
fore that the main obstacles to the Colony reaping the ad-
vantages of its position and of its reputation, are the difficul-
ties and perils of the journey, which a little arrangement on
the part of the Colony can abate or entirely remove.

8. Your Committee have also the opinion of intelligent
travellers and observers, based upon questions put to them
by natives in their travels, that the free, although regulated,
ingress and egress of natives belonging to remote tribes
would have the effect of ameliorating the condition of those
tribes, both social and political, and indeed it can scarcely be
otherwise, because contact with civilization as free laborers
by the members of any barbarous community, and their
observation of the principle of justice which govern the rela-
tions between master and servant in a Colony like Natal,
must tend first to elevate the ideas of the observer, and
eventually to produce a similar effect upon those of his tribe
with whom he afterwards comes in contact.

9. Whether, therefore, your Committee considers the best
interests of the individual laborers and of the tribes to which
they belong, or the wants of the Colony, which coincide with
those interests, there seems to be no ground on which a
denial of the wishes of these people would be either generous
or humane towards them, or just and fair towards those who
carry on the leading industries of the colony, and who are
willing to employ the labour of these men, and to pay and
treat them well for it.
10. Your Committee consequently find that their recommendations need not embrace any measures calculated to create a desire in this immense mass of foreign native population to seek service in Natal; the desire already exists, and is shown to exist in a very practical manner. The scope of their inquiry is therefore reduced to the single question that measures are necessary to secure to those people the accomplishment of their wish, and to Natal the benefit of their services, in as safe and convenient a manner as is possible under the circumstances.

11. The answer to this question must be decided by reference to the two modes which these labourers at present adopt to reach Natal, the one a journey overland, the other a voyage from the Portuguese ports on the east coast. Your Committee will in the first place discuss the overland journey and the routes by which it is made.

12. A glance at the map will show that the country, whence these labourers come, extends northwards to the Zambesi River, and from the coast line to a line corresponding more or less with it, from 150 to 300 miles inland; but in estimating the available labor population of this area, the military Zulu tribes, who as a rule are disinclined to manual labor, must be excluded.

13. It appears to your Committee that the three overland routes at present used to reach Natal demand early attention, with the view of removing the difficulties, and abating the dangers and hardships in which they at present more or less involve native travellers.

14. The first route strikes the Colony near the coast at the Lower Tugela, after having traversed the Zulu country. On this route there is less danger from personal violence, and hardship from climate or scarcity of food, than on the others at present; but there is always danger of the men being robbed of their earnings on their return home; hence the precaution taken by some who travel it, to send their money by sea.

15. The next route will ultimately become a more important one. It runs through the whole length of the territory now in dispute between the South African Republic and the Zulus, and until this question is settled, little can be done to facilitate the transit of native travellers through it, except by consent of the two powers which claim it; but when this dispute is disposed of, the convenience of its direction, and other advantages, will obtain for it the consideration that is really due to it. It enters the Colony about 100 miles inland of the coast route, at the lower end of the Division of Newcastle.

16. The third route strikes the Colony 80 miles more inland than the last, at the upper end of the same division, after having passed over a large portion of the South African Republic, and is at present the most important of all, because it is now, and will continue to be, the outlet to the inhabitants of the extensive region north of the Limpopo, on their way to Natal. These people have to travel over high inhospitable country in the South African Republic, destitute of shelter and fuel, and usually reach Natal in a very reduced and
weakly condition. It is exposure, with inadequate clothing and food on this part of the route, that proves fatal to so many of them in their attempts to reach the Colony, and it is a matter for surprise, as well as conclusive proof of their desire to come, that they still persevere in travelling over it.

17. Your Committee will now proceed to describe the arrangements which appear to be necessary with regard to each route.

18. It seems requisite that where each of these routes enter the Colony, a Government Officer should be placed to discharge the duties hereafter to be described, and that food and shelter should always be ready for the comfort of native laborers on their way to the Colony, when they reach these stations.

19. As regards the first, or Coast route, your Committee are of opinion that explanation and very little arrangement with the Zulu authorities, will remove most of the difficulties now met on that route, and pave the way for any interchange of detail which may be found necessary; nor do they think that any diplomatic responsibilities need be incurred in the matter.

20. Cetewayo, the actual ruler of the country, has given his consent to these laborers traversing his country, and if unauthorised passes granted by masters are found to serve as a protection, the escort of a single man of the rural police, recommended by this report to be established, would afford not only ample protection, but would ensure, by immediate complaint to the authorities, the punishment of any Zulu subject who might venture to rob or otherwise interfere with parties of laborers on their return to their homes from the Colony.

21. There is little danger of interference with the men on their way to the Colony, because they do not carry much that is worth taking, but it will be necessary that a supply of food should be provided at some point in the Zulu territory, which they could reach as their home supply becomes exhausted, and from which they could carry sufficient to last them until they get to the Government Officer on the Border. It is not improbable that an arrangement might be made with one or more white residents in the Zulu Country, with the concurrence of the Chief, to undertake this service at a moderate charge.

22. Arrangements similar to these appear to your Committee to be all that is necessary with regard to the middle route; such arrangements would be respected by the Zulus, if agreed to by them, and there is no reason to expect any difficulty with the Government of the South African Republic, even should the settlement of the existing dispute about that territory be delayed.

23. The third route is, however, the most important of all, the journey is so much longer, the country and climate so much more unfavourable to natives travelling on foot, that on it more perfect arrangements are necessary. Inexpensive
resting places and depots of food and fuel at convenient distances cannot be done without, and an agent should be stationed near Leydenberg, in the South African Republic, to whom all natives from tribes beyond, wishing to labour in Natal, would in the first place go, and be by him cared for and forwarded on their journey, under the charge of a regular messenger, to see that they receive food and shelter at these resting places, and are safely handed over to the officer on the Border. Your Committee do not doubt that the Government of the South African Republic will be willing to afford its countenance, and, as far as may be necessary, its assistance, in carrying out these arrangements, should the Government of Natal see fit to open negotiations with this object in view.

24. This completes the outline of what your Committee have to recommend in respect of the three different routes overland; they now propose to consider the sea voyage from the Portuguese settlements on the East Coast, which is becoming popular among the natives living on the seaboard, both as a means of getting to, and of returning from the Colony.

25. Your Committee are fully aware of the distrust with which the conveyance by sea of natives from their own country, for purposes of labor abroad, is viewed by Her Majesty's Government, and they thoroughly agree with the grounds of that distrust.

26. The Colony of Natal is, however, exceptional in this respect as in others, and the exception is in its favor; it does not need, nor would its interests be served by, any scheme which is not based upon perfect freedom and fairness to the laborer.

27. It is the experience of this fair treatment that has drawn so many natives from distant countries to seek service in Natal, and that induces, in numerous instances, the same men to return with fresh hands, after intervals of years, to their former employers.

28. For some time past the Government has declined to grant licenses under Law No. 13, 1859, for the introduction of laborers from the Eastern ports by sea, but notwithstanding this, the number of natives who take passages on their own account, both coming and returning in vessels trading between these ports and Natal, is rapidly increasing.

29. Although this is to be accounted for in some degree by the advantages they reap and the treatment they receive in Natal, yet their greatest source of confidence lies in the fact that they are practically independent. They know that this Colony is not an island, that no sea lies between it and the country they inhabit, and that their homes are not far off; they are, therefore, quite aware that they cannot be permanently detained in Natal, and that a few days' walk would carry them beyond the power of their employers.

30. When viewed in the light of these facts, it will be seen to be impossible that any improper restraint can be placed upon these people, although they may have come by sea; and the same facts will show not only that it would be impolitic in a colony requiring labor as Natal does to make any such attempt, but that it would be suicidal, because so
doing would extinguish the desire in the minds of these laborers which has hitherto brought them here, and upon the strengthening and fostering of which desire the future prospects of the Colony chiefly rest.

31. Then again, there are the laws of the Colony, enacted only upon Imperial approval, and administered by officers under Imperial directions, which provide amply and equally for the proper treatment of all classes of laborers; so that Natal may fairly claim the full benefit of a position in which it may be regarded not only as beyond suspicion, but above temptation; because both its laws and its most important interests are in direct opposition to the deprecated evil.

32. But there are precautions which your Committee consider should be adopted in the interest of laborers coming by sea. At present this emigration is confined to Delagoa Bay, and may be for some time to come. An agent should be stationed at this port, to see that the comfort of the emigrants is cared for during the voyage, that too many of them do not crowd into one vessel, and that they are not induced to come by false representations of the amount of wages they are to receive; and he should also check the embarkation of laborers altogether whenever there may be a probability that their employment will not be immediate.

33. The same should be done at any other port, which may hereafter become popular with these people as a starting point to Natal.

34. Your Committee are aware that these arrangements require the previous sanction of Her Majesty's Government after concert with that of Portugal, but they are of opinion that the fullest information obtained on the spot on every point connected with this subject will best contribute to bringing about such joint action between the Home Governments as shall place this emigration on a recognized healthy footing, and under proper control as regards the embarkation of the natives, their comfort during their short voyage, and their safe return at the end of such periods as they may voluntarily engage to serve on their arrival in Natal.

35. Your Committee understand that the Portuguese passport system, and other minor obstacles to this emigration, present themselves at the different ports, but the information before them is not sufficiently full to enable them to form an opinion as to the precise nature of these difficulties, or how they may be best overcome, and it is frequently on those details, which at first sight appear but trifling, that success or failure of any measure depends.

36. Information on these points, and on many others necessary for the Home Government and this to know, can be collected only on the spot, by some capable person specially commissioned so to do.

37. Your Committee therefore recommend your Honourable House to move the Lieut.-Governor to commission some fit and proper person to proceed to the Governor-General of Mozambique, with the view of obtaining the information necessary to enable the Lieut.-Governor to make such suggestions to Her Majesty's Government as he may deem requisite under the circumstances.
38. Your Committee are of opinion that the chief supply of laborers will always be by the overland routes, and they have been induced to give more of their attention than perhaps they otherwise would have given to the facilities afforded to some of the populations which have sent laborers to Natal by sea, because they find that notwithstanding the absence of any encouragement by the Government, these facilities are now becoming extensively used by them, not only to reach the colony, but to return to their homes when the time has elapsed for which they came.

39. Your Committee are, however, strongly of opinion that those who come by sea should be taken the same care of by an officer of the Government at the port, that their contracts should also be made before a competent authority, and that they should be treated in every respect in the same way as those who come overland.

40. The Committee have not omitted to consider the special provision rendered necessary by the presence of a continually increasing body of men not belonging to the colony, and to whom are inapplicable the ordinary means of control suited to the resident native population. A memorandum on this subject by the Secretary for Native Affairs is appended to this report, and your Committee concur in the suggestions made by that officer, the more unreservedly, because they are of opinion that by a judicious adaptation of these suggestions, but a small proportion of the cost need fall upon the general revenue.

41. They find that, although private efforts to lessen the dangers and hardships of the overland routes have been to some extent successful, the general effect upon the laborers, as well as upon the planters has been bad, because the spirit of competition has caused the exhibition to the laborers of bad faith, as between the planters, by the unscrupulous conduct of some of their agents, and this evil seems inseparable from the system of rivalry upon which these efforts are founded.

42. The consequence has been what might have been expected; the laborers in many cases seeing their services to be the object of so much competition, and of so much intrigue between their employers or their agent, form an undue estimate of their importance; and the facilities for charging masters on the slightest provocation, or with none at all, which this intriguing action creates, renders their services more or less unreliable, themselves impatient of control, and places employers so much in their power as to check productive operations.

43. This report would not be complete if your Committee failed to state that the expenditure necessary to support the measures they have recommended may almost entirely be met by the working of the measures themselves.

44. They find that native laborers from beyond our border usually stay about two years, and they estimate the number at present employed in the Colony at about 6,000; this would give an annual ingress of about 3,000 under existing circumstances.
45. Taking this estimate to be approximately correct it, will follow that when the scheme proposed by your Committee is in full working order, the annual revenue from it, supposing the present number of laborers employed is maintained, will be:—

\[
\begin{align*}
\text{Registration fee on the contract of each laborer,} & \quad 3,000 \text{ at } 10\text{a.} & \quad £1,500 \\
\text{One shilling per month from 6,000 laborers} & \quad 3,600 & \quad £5,100
\end{align*}
\]

Or £5,000 per annum in round numbers, without taking into account other minor sources which would augment this sum.

46. Your Committee therefore have no hesitation in recommending your Honourable House to take such steps as may be deemed necessary to give effect to measures required by the circumstances of the Colony, and imposed upon us by a proper consideration of the wants and peculiar condition of the natives, who resort to it for the purpose of working for wages.

By order of the Committee,

JNO. T. POLKINGHORNE,
Chairman.

Committee Room, Legislative Council,
13th November, 1872.

MEMORANDUM by the Secretary for Native Affairs on the Supervision and Control of Native Labourers from Inland Tribes.—November 5th, 1872.

In considering how the wants of the Colony in the matter of labour can best be supplied from inland tribes, many of the members of whom wish to enter the Colony to work for wages, I shall assume that the many difficulties and dangers which beset these men before they reach the Colony are overcome, and that they have arrived on our border.

From what I have seen of the effect of private efforts of Planters to secure the services of these people by means of paid agents, each for his own employer, I am strongly of opinion, that the Government should act paternal towards them, as it does towards Indian Immigrants, and take charge of them the moment they enter the Colony by means of Officers appointed for that purpose.
They generally come in parties, and should at once be provided with food and lodging, while preparations are being made to render their service in the Colony advantageous to themselves and their employers. These preparations should consist of the careful registration of their names and the tribe to which they belong, as well as the time they declare themselves willing to work in the Colony.

Each name should be consecutively numbered in the register; a token with his name and number marked upon it corresponding with the register, should be given to each man, to serve as a means of personal identification.

A copy of the registration of each party should be sent to the Magistrate in whose County the men composing it are to serve; it should be explained to them that, say, 25 per cent. of their wages will be handed over by their employers to this Magistrate, as a security against desertion, and that when the term of their engagement is ended, the production to the Magistrate of the registration token will secure to them the balance of their wages, less one shilling per month, which is to go to the Government.

All these preliminaries being carefully completed, they should be sent under charge of members of a rural police hereafter to be described, care being taken to supply them with food on the way to the Magistrate in whose jurisdiction they are to serve.

All contracts of service should be made before such Magistrate, and he should again explain to the men what the Officer on the Border had already explained to them.

Many of these people return to former employers with new men whom they have induced to try the service of the same master. Such preferences should be ascertained by the Officer on the Border, and in every case be scrupulously respected, because they are the results of judicious treatment, and are its just reward.

The wish of any man or party of men to enter the service of a particular employer, should be communicated to the Magistrate by such Officer, and it should in all cases be complied with.

There are probably three points on our border, at each of which an Officer should be stationed, to carry out those arrangements—one at the upper end of Newcastle Division, one at its lower end, and a third at the Lower Tugela. Confusion in number could be avoided, by the tokens issued at each office having a separate letter respectively representing one of the three offices, or by some differences in their form.

The return of these labourers to their own country should also be regulated; they enter the Colony in parties, so also will they as a rule leave it.

After receiving the balance of their wages from the Magistrate, they should be escorted to the Office which received them on their arrival in the Colony, and there they should be furnished with every possible facility for their returning safely and comfortably with their earnings to their homes.
Any interference with the orderly return after they have left the Colony, should be remedied by appeal to the law of the country in which the interference occurs.

If any elect to remain for a fresh term of service, every encouragement should, of course, be afforded them to do so.

But the introduction of these labourers to the extent which appears necessary to carry on successfully the chief industries of the Colony, is in my opinion dangerous, unless corresponding measures are taken to control them during their stay.

This control, as I have already said, should commence the moment they enter the Colony, and continue until they leave it.

In pressing my view of this matter, I need not remind the Committee that these men enter the Colony for their own benefit, and of their own free will; that up to the moment of their leaving their own Country and Government, they have been accustomed to the most rigorous control; that in Natal they are practically subject to none, except the timid supervision of their masters, who fear to offend, lest they might lose them; that they come without their families; that their earnings, although large, are capable of being put into a small compass in the shape of gold; and that they seldom, if ever, convert them into the inconveniently tangible shape of cattle. It follows, therefore, that the Government hold none of the guarantees for their good behaviour which it possesses as regards the permanent native population. These adventurers have no friends in the Colony whose welfare they need consult by avoiding crime, nor have they any property to endanger by committing it; the chances of escape predominate; their present condition in the Colony constitutes a perpetual temptation to crime, and practically places the employers at the mercy of unreasonable conduct and exacting demands, in one shape or another.

The Colonial Native population are capable of being ruled by tribal arrangement, and are so ruled, but upon these foreigners it is impossible to bring such responsibilities to bear—they exist amongst us not as communities, but individuals, therefore this difference must be recognised in devising means for their control.

I am of opinion that a well-organized Rural Police Force, consisting of our own Natives officered by white men under a Superintendent, would be the most effective means of accomplishing this object. It must be large enough to perform efficiently the service required of it, perhaps 100 men would be enough to start with, and will cost a considerable sum annually.

I shall presently suggest means by which a portion at least of the expenditure might be met, in a way to avoid the whole being charged upon the revenue.

This force should be distributed chiefly in those parts of the Colony where most foreign labour is employed, and small parties of it should be continually traversing the thoroughfares and roads between the estates, under such instructions as may from time to time be issued to them—the main object being to cause the large bodies of foreign labourers employed on sugar and coffee estates to feel that the hand of Government is always able and ready to control where necessary, and there should be detachments at each of the Border Offices.
But there are duties in other than the coast districts, which men belonging to such a force as this might well be employed upon. The practice of sheep-stealing is becoming seriously prevalent, and this is a species of crime which it is most difficult to detect. Farmers finding the number of their sheep decrease, without being able to account for it, would in all probability be willing to employ men detached from this force, to act as detectives, and to pay their cost to the Government for the period during which they are so employed; and to stimulate them to greater exertion and care, a system of rewards might be granted through the Commandant of the Force, for every conviction obtained before a competent tribunal.

I think that as this force is chiefly rendered necessary by the influx of free laborers into this Colony, and is to be employed to protect as well as control them, and as considerable outlay in and about their introduction into the Colony will have to be made for their comfort and benefit, that each of these laborers should contribute one shilling a-month towards the general cost. This would produce a considerable sum monthly.

It is not improbable that many Sugar Planters and others would be glad to employ men belonging to it as detectives, or temporarily resident police on their estates, for which they should reimburse the Government, the amount of their pay while so employed. A considerable sum would accru from this source also. Then there would be the fees paid by the Planter on allotment or registration of the laborers, and whatever else might accrue in the working of the general arrangement.

I cannot help thinking that after a little while this regulated influx of free laborers and the force necessary to protect and control it, might be made to be self-supporting to a considerable extent, but as the objects are the advance and quiet of the Colony generally, it is but right that any deficiency should be met by the General Revenue.

I have said nothing of the composition of this force. Care will be necessary in selecting its members, but it will be time enough to discuss this when the general idea is entertained.

I am of opinion that such a system as I have described will be found to be eventually unavoidable, and that it should be built up by degrees, and grow up with the necessity for its services.

T. SHEPSTONE,

Secretary for Native Affairs.