

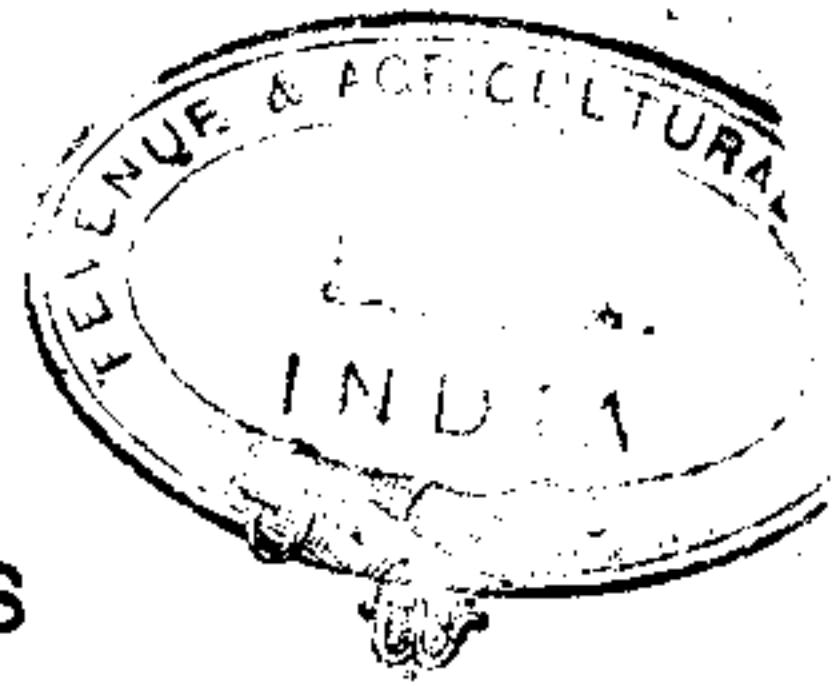
PROCEEDINGS
OF THE
Planters Conference,
HELD AT
BANGALORE

From 28th August to 1st September, 1893.

WITH APPENDICES.

MADRAS:
PRINTED AT THE "MADRAS MAIL" PRESS.

1894.



PROCEEDINGS
OF THE
Planters Conference,
HELD AT
BANGALORE

From 28th August to 1st September, 1893.

WITH APPENDICES.

MADRAS:
PRINTED AT THE "MADRAS MAIL" PRESS.

1894.



INDEX.

	PAGE.
Act XIII of 1859	4, 43, 53
Committee, Formation of	40
Do. Proceedings of	43
Communications, Necessity for good	66
Conference, Opening of the...	1
Do. Delegates to the	1
Do. Closing of	67
Coffee Stealing Prevention in Act...	54
Currency	61
Extradition	4, 52, 54, 55
Food and Drugs	64
Freights	37, 65
Game Laws	36, 66
Land Acquisition Act	36, 61
Manures	64
Planting Member of Council	35, 55
Registration of Maistries	57
United Central Association, Proposed Rules for	40, 53

APPENDICES.

	PAGE.
Act XIII of 1859, Memorial on	71
Do. G. O. on Memorial on	75
Do. Letter from Government of India regarding	76
Do. Letter from Secretary of State regarding	104
Do. Covering Letter regarding	107
Extradition do do do	109
Coffee Stealing Prevention Act, Petition of the Nilgiri Planters' Association regarding...	111
Land Acquisition Act, Petition of the Nilgiri Planters' Association regarding	112
London Coffee Association, Particulars of	116
Registration of Maistries, Proposed Scheme for	115
Sale of Foods and Drugs Act, Proposed Amendment of Bill regarding	117

PREFACE.

THE history of the Planters' Conference held at Bangalore is brief. There has been a feeling in many districts for some years past that more combination was needed among the Planting community of Southern India, and three years ago Mr. J. G. Hamilton, then Secretary of the South Mysore Planters' Association, endeavoured to organise a Combined Association, but he did not receive the full support of the whole community. In March, 1892, a Memorial regarding Act XIII of 1859 and Extradition signed by the Chairman or Honorary Secretary of every Planters' Association in Southern India was presented to the Government of India through the Madras Government. On the 1st July, 1893, the reply of the Government of India was published. It was curt and discourteous in tone, and, with one slight exception, refused every request contained in the Memorial. The Press of Southern India commented strongly on it, and numerous letters were addressed by planters to the papers. After this correspondence had been going on for some little time, Mr. Digby T. Brett, Chairman of the North Mysore Planters' Association, wrote to the *Madras Mail* suggesting that a Conference of delegates from all the Associations should be held and that the Wynaad Planters' Association should convene it. Mr. Romilly, Honorary Secretary of this Association, asked the North Mysore Association to do this, and Mr. Digby T. Brett on the 29th July addressed the following circular letter to the various Associations :—

“ Mr. Romilly, Honorary Secretary, Wynaad Planters' Association, asks the North Mysore Association to take the initiative, to call a Conference of all Presidents and Secretaries of the various Planting Associations, or to

“ send two members especially deputed and duly em-
 “ powered to join in any action which such Conference
 “ may consider necessary. We therefore propose holding
 “ the Conference in Bangalore on Monday, August 28th,
 “ and succeeding days. The actual place of meeting
 “ will be advertised in the *Madras Mail* when arrange-
 “ ments are completed. I trust all Associations will sup-
 “ port the proposal and intimate to us as quickly as
 “ possible their intentions. As well as Act XIII, which
 “ is the all important question, we have other subjects of
 “ mutual interest to discuss. Incidentally, I may mention
 “ representation on the Madras Council, land acquisition,
 “ coffee stealing, extradition, game laws, &c., &c. I would
 “ further suggest the formation of one Representative
 “ Chief Association for the whole of Southern India in
 “ addition to the already existing Planting Associations,
 “ as in unity lies our strength.”

The replies to this letter were most satisfactory, and, with
 the exception of the Peermaad Planters' Association who were
 unable to send a delegate owing to many planters in that
 district being just then at home, every Association was repre-
 sented at the Conference. Further, between the date of Mr.
 Brett's letter and the 28th August two Native Planters' Asso-
 ciations were formed in Mysore and delegates from these
 Associations were also present. The Conference itself was an
 entire success and from the Proceedings it will be seen that
 the discussion on the more important subjects was full and
 thorough and that most matters of general interest to the
 Planting community were brought up before the Conference.

THE PLANTERS' CONFERENCE.

FIRST DAY, *Monday, 28th August, 1893.*

THE Conference was opened on Monday, the 28th August, 1893, at the Cubbon Rooms, Bangalore. There were present the following delegates:—

North Mysore	... Digby T. Brett	... L. D. Colledge.
South Mysore	... Graham Anderson	... J. G. Hamilton.
North Mysore Native	Srinivasa Row	... Hajee M. Esoof Sait.
South Mysore Native	M. N. Subbaiya	... V. A. Coelho.
North Coorg	... G. K. Martin	... W. H. Sprott.
South Coorg	... A. Lambert	... G. H. Evans.
Wynaad	... Geo. Romilly	... R. K. Walker.
Nilgiris	... W. L. Edmiston	... W. Rhodes James.
Shevaroyes	... H. Gompertz	... W. I. Lechler.
Kannan Devan	... Baron von Rosenberg.	
South Travancore	... G. Clarke.	
Nelliampathies	... J. F. Abbott	... R. Milne.
Kolar Mining Board.	R. Collins	... F. W. Grey.
Binny & Co.	... H. Hart.	

Mr. Digby T. Brett (North Mysore) said:—Gentlemen, the North Mysore Planters' Association had the honour of convening this meeting the necessity for which is shown by the large attendance. It is now your duty to proceed to business by electing a Chairman. I trust that the arrangements made will suit your convenience.

Mr. George Romilly (Wynaad) proposed and Mr. H. Gompertz (Shevaroyes) seconded "that Mr. D. T. Brett do take the chair." The proposition was carried with acclamation.

The Chairman, having taken the chair, delivered the following inaugural address:—

GENTLEMEN,—I feel highly honoured by your electing me Chairman of this meeting, one of the most important that has

been convened of the planters of Southern India. Certainly when I came down I was not prepared to take a leading part in the meeting, as I thought my duties would end in convening the meeting. Although I heard yesterday that you proposed to do me the honour of electing me your Chairman, I did not come prepared with remarks such as you might expect from the Chairman of this meeting. I therefore trust you will allow me every latitude in anything I have to say from notes hastily jotted down this morning after having heard you intended calling me to the chair. If we have nothing else to thank the Government of India for, we have at least this fact, that its action or rather want of action has resulted in the calling together of this Conference, representative of all the Associations of Southern India. By means of this Conference we hope to show the Government that we have grievances which are common to all planters—whether living in North Mysore, or in South Travancore—over the whole Planting Districts of Southern India. Statistics as regards our industry will be laid before you by the several delegates, the Conference having been called rather in a hurry so as to suit the convenience of men before the busy season sets in. From what I gather from individual delegates, these statistics will show the enormous capital invested in the planting interest. These statistics may probably not be complete but I find it estimated that the capital value of our estates is put at from 8 to 12 millions sterling. And this valuation does not cover the sums annually poured into the country to cover our annual working expenses nor the amount of money advanced free of interest to the labouring classes in our endeavour to secure that labour which is so vital to our business. I will not now make any remarks in detail as regards the working of Act XIII of 1859 as it affects the District which I represent. But I may say now the way in which the Act is administered is a source of great annoyance. The Act is not administered in its spirit; there is a want of freedom, a general fear of the High Court in the administration of this Act by the Subordinate Courts. In our joint petition to the Supreme Government, in the language used by correspondents in the Press, I think you will agree with me that there has been moderation. We have hitherto passed over in silence the libel that has been cast on us as a community that we are oppressors of a class, that we, as members of that nation which above all nations has done more to put down oppression, seek to revive a state of slavery, that our demands are tantamount to such a state. Nothing can be further from the truth. Such assertions display a lamentable want of knowledge of the real facts of our case by those who from their official position have been at no pains to really enquire into the case, and who have thus been driven to

mere assertion in place of argument. From a certain section of the community a similar accusation has been cast against us—in this case apparently with the object of setting class against class, the European against the Native. As the Chairman of this important meeting, including representatives from every planting District of Southern India, with all the authority such position gives me, I emphatically protest against such a gross falsehood; it is more than a mere libel on us, and I challenge, I defy, our accusers to prove their statements. If any more contradiction were required, it is here in the presence of several native delegates who have been specially requested by the Native Planters to attend this Conference. Their interests are identical with our own. It is a remarkable fact—a fact which I would desire specially to emphasise—for those concerned to specially note—that the mere rumour that we Europeans proposed calling this Conference has brought the Native planters to combine. Two very important meetings of Native planters were held in North and South Mysore. Their proceedings, I am informed, were most enthusiastic and delegates were unanimously chosen to represent the native community at this Conference. I am sure on behalf of the European planters at this Conference I may extend to these gentlemen a most hearty welcome. I trust their example will be followed in other parts of the planting districts of Southern India. In the strict sense of the term this is not an indignation meeting met together merely to protest against the action of the Government. We have more real solid work in view, the object we should have in view is unity. I have no doubt from the discussion which now commences, we shall find we have really in common much more than we have ever before been able to realise, and if, as I am sure, such a fact is really impressed on us we shall be able hereafter to look back on this Conference as the starting point for that unity of action by which only can we really make ourselves effectively heard, and our requests receive that consideration they deserve, coming as they will do from the Planting Association of Southern India. (Cheers.)

At the conclusion of his Address, the Chairman said :—

GENTLEMEN,—The Conference will now proceed to hear the views of the delegates from the various districts. I propose to take each District in turn and after hearing what has been said and getting into touch with one another to proceed to business. I really do not know how each Association will view the various questions which will come before the Conference such as Act XIII of 1859, Extradition, the Cattle Trespass Act, the Coffee Stealing Act, the Food and Drugs Act, and the necessity for a Planting Member of Council. The first question we should

1859. I will therefore ask the delegates from Coorg to state the case from their point of view.

Mr. George Romilly (Wynaad) suggested that as his Association drew up the Petition to the Government of India on this subject, he should be the first to start the discussion..

The Chairman acquiesced.

Mr. George Romilly (Wynaad.)

GENTLEMEN,—As I believe that I am the only one present at this Conference who was instrumental in drawing up the petition to the Government of India *re* the working of Act XIII of 1859, I have ventured to prepare a short Address to you on the subject. The last Conference of Planters was held at Manantoddy in the spring of 1877, and was also called for the purpose of trying to get Government to amend this Act. Mr. Logan, then Collector of Malabar, gave the planters his warm support, and the result was the promise given by the Madras Government which is quoted in the preamble to our petition—a distinct promise that the Government would give the planters all the assistance in its power consistent with adequate protection to their employees. This promise was never fulfilled. The facilities for evading the Act have since become better known and in consequence fraudulent breaches of contract which pass unpunished are more numerous than ever. We again approached the Government of India with a petition signed by the representatives of the whole planting community of Southern India in the early part of 1892, and we received their answer in July of 1893. It is to consider this answer that we are gathered here to-day. This answer I think may be termed abrupt and discourteous. It refuses our petition and that is all, it gives absolutely no reasons for the refusal, except by a reference to two marginally noted Despatches. I have brought these Despatches with me. No. 77 from the Government of India to the Secretary of State passes under review the labour situation in Assam. It recognises the principle that anything that makes breach of contract penal is out of harmony with the general principles of legislation accepted by civilised Governments; but it goes on to say, speaking of Act XIII of 1859, that it is extensively used in contracts in preference to Act I of 1882 and “however objectionable in principle, that in its practical operation it has been harmless and even beneficial. This is the conclusion arrived at by three successive Chief Commissioners who have enquired into the matter since the proposal to exclude the Act from Tea Estates was put forward in 1886.” In other words, the answer of the Government of India to a petition in which we complain that we are unable to put Act XIII into force, is to inform us that

if we were able to put it in force we should find its practical operation harmless and even beneficial. The Government of India referring to this Act in the course of the Despatch speaks of it as an Act "which, owing to its vagueness, is capable of being worked in a manner harsh and inequitable to the labourer" and again "the Act of 1859 is of somewhat doubtful applicability to contracts for tea garden labour and the Courts not infrequently hesitated to administer it in such cases." As we point out in our petition, even the High Court Judges are divided in their opinion as to what comes within the scope of the Act. The Chief Justice of Madras in 1884 says:—"I admit that the language of the Act is vague and might be improved." It is exactly on account of this vagueness that we complain. We complain because when we make a contract we know that it depends on the interpretation that the Magistrate may choose to put on the Act whether that contract may be enforced or not. Our position is this. There is the planter in one part of India wanting labour and the labourer in another part of India wanting work. A go-between is necessary and an advance of money is necessary to bring the contract with that go-between or maistry within the terms of the Act. Also, in my opinion, though I believe many differ from me, I go further and say that I think an advance to each cooly is not only fair but necessary. The maistry in possession of this sum of money advanced to him for the specific purpose of bringing in coolies, finds a strong temptation to act dishonestly. If the contract has been made in Mysore, he knows that he has only to step across the frontier and he is allowed to enjoy the money in peace, as he has committed no criminal offence that allows of extradition. If the contract is made in British India, and the contractor makes away with the money for his own purposes, in case he should be arrested he knows that there are many pleas that he can put forward to avoid punishment. The following are some quoted from actual cases:—

1. That he was sick. The burden of proving that he was not sick lies on the complainant.

2. That endemic disease prevailed in part of the country between his village and the estate.

3. That the work which he contracted to do, was performed by others before his arrest. We all know well enough that certain work must be done at certain seasons and cannot be kept waiting till the arrest of the defaulter.

4. That the term of the contract had expired before his arrest.

5. That the advance was not entirely a fresh advance but in part a renewal of a former debt. It is, I believe, usually the case that a maistry does not work off the whole of his advance in the year, and in that case a renewal of the advance does not come under the Act.

6. That weekly expense was given to his coolies. This is the universal custom, I believe; but, nevertheless, it constitutes an infringe-

ment of the Act by mutual consent, as the Act only contemplates an advance which is to be worked off at once and is not intended to refer to cases involving a contract of service extending over a long period.

In fact, the Act was never intended for planters, and the expressed opinion of Government official seems quite clear on this subject.

For instance, the Secretary of State says in a Despatch No. 13, 11th Feb. 1892 :—"Act XIII was certainly not passed with any view to such contracts as those which now prevail in tea gardens. Neither in its form nor in its system of penalties is it conveniently adapted to contracts to labour on tea gardens."

Among Madras officials the same opinion has been constantly expressed.

Mr. Galton wrote "Act XIII of 1859 was obviously not framed to meet the case of advances for labour in the Coffee Districts."

Mr. Price :—"I consider that it would be advisable to alter Act XIII of 1859 so as to cover these cases or to pass a separate enactment dealing specially with the subject of labour for planters."

Mr. Leman :—"It may be assumed from its preamble that the Act as interpreted does not give the protection it was intended to give to persons who advance money on account of work to be done. My opinion is, the Act should be amended."

Mr. Roupell :—"There can be no doubt that much injury is now done to planting interests by the inadequacy of the law as it stands."

Mr. Crole :—"I consider an amendment of Act XIII of 1859 necessary in so far as it excludes contracts for personal service."

Mr. Lee Warner :—"It seems almost absurd that an Act has been framed and has now been in existence more than 20 years on purpose to protect the employer of labour, and it is only now found to exclude the very sort of contract most wanted, the contract for giving personal labour, from its operations."

Mr. Tremenheere :—"My experience has shown me time after time that a better Act is much wanted."

It seems to me extraordinary in the face of this expressed opinion, coming as it does from the Secretary of State, from the Government of India, from the Madras Government and from the majority of the Madras Presidency Magistrates, that Act XIII of 1859 is not suited to the requirements of planters, that we should still be denied any redress. That the planting industry

is very seriously crippled by being exposed to this protected robbery by contractors is an undoubted fact. For the planter, there is the loss of the advanced money and the loss of the unfulfilled contract for labour. For the cooly there is the loss of the money that should have gone to him in wages, but instead goes to enrich the fraudulent contractor. But besides these there is the feeling of insecurity and distrust of the Indian Government that prevents English capital being invested in the planting enterprise in India and drives it instead to the less fertile fields of Ceylon. In my part of Wynaad, at any rate, there is a vast area of uncultivated land admirably suited to the growth of tea for which capital would be forthcoming if only there were any safeguards for importing labour into the District. As it is, the land lies waste, revenue is lost to the country, and an outlet for the surplus population of the congested Districts is closed. It has been urged that our prayer for protection will find no response in a Radical Parliament. I cannot think that this would be the case if the question were properly understood. We seek for no fresh powers over our coolies, we only ask that the provisions of an Act which is admitted by the Government of India to be beneficial, where it can be put in force, shall be extended to us. [At any rate, what should enlist with us the sympathies of a Radical Parliament is that this bureaucratic Government of India, safe in its Council room at Simla, can afford to disregard the prayer of a very large body of its fellow subjects, and refuse to redress a grievous wrong without giving a single reason for its refusal. I may add that I applied for a copy of the Madras Government's Report on our Petition which was submitted to the Government of India, and was informed that it would be quite contrary to official etiquette to let us have it. However, I think we may infer from the reply of the Government of India that the Madras Government is in sympathy with us at least in the matter of Extradition, and I have the permission of H. E. the Governor of Madras to state that the planters' request for reconsideration of the Government of India's reply to their Memorial shall have the most careful and the fullest consideration of himself and his Honourable colleagues.]

In conclusion, I would suggest that we again present the Petition through the Government of Madras, and request His Excellency the Governor in Council to point out to the Government of India:—

1. That the Petition did not come from certain planters in Southern India, but from the representatives of the whole planting community.
2. That the Government of India has given no reason whatever for refusing to grant the Petition, but has on the contrary admitted the truth of the grievance which it refuses to redress inasmuch as it has referred the Petitioners to a Despatch No. 77, October, 1891, in which the Government of India distinctly states that the Act is vague and of

doubtful applicability to contracts for tea-garden labour, but that when it has been put in force its practical operation has been found harmless and even beneficial.

3. That considering the urgency of the matter, the Petitioners humbly deprecate a further delay of 15 months before receiving an answer to their Petition.

This, gentlemen, is the course which I propose that we should adopt with regard to Government; but in the meantime I think there are several methods worthy of the consideration of this Conference by which we can assist ourselves, such as a universal registration of maistries on the lines proposed by the Nilgiri Planters' Association and a unanimous agreement to reduce advances to a fixed maximum. These schemes, though I fear they would not increase our supply of labour, would greatly reduce our loss on fraudulent contracts. (Cheers.)

Mr. R. K. Walker (Wynaad) said he did not care to make any further remarks; he endorsed all that was said by Mr. Romilly.

Mr. H. Gompertz (Shevaroy) suggested that the Madras Government Order on the Memorial should be read. The Chairman accordingly read the Order.

Mr. G. K. Martin (Coorg) said:—

GENTLEMEN,—I have the honour to lay before you the views of the Coorg Planters' Association on the principal subject that is before this interesting and important convocation of the representatives of (I suppose I may say) the whole planting community of Southern India—a convocation which we trust is only the initiative of many others which, it is hoped, will have the effect of proving that however divided we may be in small matters, in questions affecting and imperilling our industry, we can show a united and formidable front, and command a more respectful attitude towards us by the Government than has hitherto been shown. I trust, gentlemen, that ere long it will become impossible for the Government (even though it may be unable to accede to our requests) to reply to so large and important a community in the curt and inconsiderate manner it has done recently. I am convinced that had there been a representative of our community in the Legislative Council of the Supreme Government, such a perfunctory disposal of our Memorial would not have taken place. It behoves us therefore to use our best endeavours to get ourselves represented as speedily as possible. The recent enactment for the enlargement of Representative Councils in India furnishes us with an opportunity of bringing forward our claim, and, in our opinion, it is of the greatest importance that we lose no time in bringing to bear every lawful influence and means to

accomplish our end. As regards Act XIII of 1859, I may say on behalf of our Association that I am instructed to enter our protest against the manner in which our Memorial has been replied to rather than the refusal to comply with the same, a manner directly opposite to that with which our personal appeal to His Excellency the Viceroy was received by him on the occasion of his visit to Mysore. The Act in itself, if liberally and wisely interpreted, with certain modifications in the wording and with ordinary precaution on our part, would, in our opinion, meet all the requirements of planters in British Territory and, if the Extradition Act were in force, of planters under Native rule also. The rulings of the High Court in all cases connected with this Act which have come before it show the impracticability of the present wording of the same as applied to us, and affects adversely the best interests of both employer and employed to such an extent as to threaten the existence of our industry on the one hand, and would result in throwing the cooly back into the hand of the local sowcar whose legal (!) treatment of his victim is too well known. We must again approach the Government of India and impress on it the necessity of at least reconstructing certain clauses of the Act so as to allow but one, and that a liberal, interpretation which would put it out of the power of an individual Executive Officer, or of the High Courts, placing a narrow and prejudicial construction on the same, and whilst deterring evil-doers who have no other object than fraud, it would aid in attaining their just dues all who deal with labour and the necessary and unalterable system of advance connected with the same. I have had some consultation with an officer who has had great experience in the working of Act XIII of 1859, and he has been good enough to devote some of his leisure hours to explain to me the whole purport of the Act. It may not be out of place to lay before this Meeting certain suggestions for the removal of a good deal of friction and uncertainty caused by the wording of some Clauses, and which would obviate a total amendment of the Act itself, which, as I understand it, was not originally framed for cases arising from our labour system, but was extended subsequently with the intention of meeting our requirements. A modification of the Act (a natural result of practical experience in all such cases) to meet the more important rulings of the several High Courts and the enforcement of the Extradition Act, would appear to answer all our requirements. The Act itself consists practically of only two Sections, and it does not seem to be generally understood that the Statute of Limitation does not apply to the same, it being a *penal enactment*. This fact disposes of the question as to the limit of time within which warrants can be applied for or issued for breaches of contract. Of course, if the term of the contract has

expired, the Magistrate cannot order the work specified to be performed, but under Section II of the Act he can order the money advanced to be repaid on the application of the complainant, or in default of payment sentence the defaulting contractor. My suggestions for the modification of the Act are as follows—leaving the preamble as it is : Read Section I, thus :—

“ When any artificer, workman or labourer shall have received from any master or employer resident or carrying on business in any Presidency Town or from any persons acting on behalf of such master or employer *any advances* of money on account of any work which *he* shall have contracted to perform, *commenced* to perform, or to get performed or *commenced* by any other artificers, workmen, or labourers, if such artificer, workman or labourer shall wilfully and without lawful or reasonable excuse, neglect, refuse to perform, or *continue to perform* or get performed such work, according to the term of his contract, such master or employer, or any such person as aforesaid, may complain to a Magistrate of Police, and the Magistrate shall thereupon issue a summons or warrant as he shall think proper for bringing before him such artificer, workman or labourer, and shall hear and determine the case *summarily if so empowered.*”

Section II to be re-written with reference to the alterations in Section I.

Section III, I would suggest that if the order passed by the Magistrate is for the repayment of the advance money, a month's time be allowed to the accused, provided he furnishes ample security. According to the present provisions of the Act, if an order for the repayment of the advance money is made and the money is not paid in Court immediately, the Magistrate has no option but to send the accused to Jail there and then. Once there, he becomes hardened and will complete his term rather than pay up. Whereas if he be allowed time his friends will probably help him to prevent his incarceration.

Section IV to the end of this Section I would add the words “ or for specified wages or otherwise.” Further, I would add “ a contract is consideration of an advance or advances of money to supply labourers to do certain work falls within the scope of this Act, and the fact that such contract contains covenants to pay penalties in default of supplying the labourers and to repay the advances if necessary by personal labour for a term, does not take the contract out of the operations of this Act so as to make illegal an order directing the contractor to be imprisoned for failure to comply with an order directing him to repay the advance.

Section V requires no alteration.

With regard to the Extradition Act, bearing in mind that it is to the interest and advantage of all law-abiding subjects be they under British or Native administration, to bring to book and punish all evil-doers, it is intolerable and repugnant to our feelings of equity that the fraudulently inclined can

with impunity evade justice through a restriction imposed by a paramount Government which has the power but not the will to remove the impediment. It is incumbent on us to use strenuous endeavours to obtain the application of the Extradition Act to cases under Act XIII of 1859, and so assist our brethren of Mysore, Travancore and Cochin. The measure known as the Labour Ordinance appears to have some advocates, but it may be as well to point out, once for all, that this measure only applies to emigrants who leave their homes and country for a long period and are imported at a considerable cost to their employers. Some such legislation may, therefore, be necessary for the protection of both parties. To the Planting Districts of Southern India it would not be at all applicable for obvious reasons. In fact, such a measure would be detrimental to the interests of both the cooly and his employer. We are, therefore, unable to support such a proposal. Finally, gentlemen, I beg to express my gratification and that of my colleagues at being present at such an influential gathering of our planting brethren. I trust we shall have many such meetings, and so far as I am personally concerned, and as long as I am accorded the honour of being President of the Coorg Planters' Association, I shall make it a point of attending at all future Conferences and will do my best to further the good work that has this day been inaugurated.

Mr. W. L. Edmiston (Nilgiris) said that the subject had been treated so fully by the other speakers that very little room was left for him to add anything more. He fully agreed with what had been said by Mr. Romilly.

Mr. G. Clarke (South Travancore) said :—

MR. CHAIRMAN AND GENTLEMEN,—May I be allowed, in the first place, as a sojourner from a far country, without any charge of presumption to congratulate the Planters of South India in having a Chairman and Secretary in the North Mysore Association who have succeeded in convening a Conference after several attempts have been made and have failed. I believe, and I trust everybody here shares the belief, that this Conference is the beginning of a day of prosperity and plenty for Planters in South India, simply because united as a faggot we can carry all our wants (hear, hear); but as single sticks we can do nothing. I may say that Travancore will have a good deal to say on Act XIII of 1859, but it is chiefly on the question of Extradition, the difficulties with regard to which simply make the Act a dead letter. Another point I would like to refer to is that Act XIII has been said by members of the Government and by men in official position to be entirely inapplicable to questions raised by contracts

to provide labour. That raises the important question whether we should not go in for the amendment of Act XIII, or whether we should make it our object to have altogether a different law or enactment of some sort to meet the wants of the Planters. I believe these two questions, namely, Extradition, and the want of a new Act altogether, are not to come up for consideration to-day, and that we are simply to confine our remarks to questions affecting Act XIII and what amendments are desirable in the Act. Reserving the two points mentioned which in my opinion are the important matters before the Conference, there are still certain points in the Act itself which I think require more consideration than they have already met with. As regards Act XIII I should say that the first clause of the Act which has reference to the people to whom it is intended to apply, such as artificers, manufacturers, does not name planters.

Mr. H. Gompertz—It says “and others.”

Mr. Clarke—Yes, it says “and others.” Planters are always an “etcetera.” The Planters of India should have that Act amended so as to cover the needs of the Planters. Another point to be noticed is that every contract into which a planter enters is one in which the element of time is an essential factor. For instance, suppose I advance money to a maistry to bring me coolies to pick my tea, and he brings the coolies a month hence, they are then of no use to me. The contract is virtually a contract in which time is the important item, and time is not mentioned in Act XIII; time is not mentioned in all the suggested amendments and improvements of the Act. A time contract cannot come under the penal clauses of Act XIII, and it is a time contract which is absolutely required. Whether such time contract can be brought under Act XIII or not, the question is one to which we should devote our further consideration. I would therefore impress upon you the fact that it is a contract in which time is the essential factor, and it is in this direction that we must look to the Legislature to legislate. Supposing I made a contract with a Telegraph Company to telegraph me certain intelligence and laid my plans by the previous receipt of that intelligence to make money before that intelligence got abroad, supposing then the Telegraph Company failed to give me the intelligence desired, and I sued them, would it not be adding insult to injury for the Magistrate before whom I sued the Company to say ‘well the Telegraph Company may now fulfil its contract and I give it the option of fulfilling its contract.’ It is exactly the same with regard to the contract for labour. Supposing my coffee was all growing up to walking sticks, would it not be an insult for the Magistrate to say I give the contractor the option of fulfilling his contract. Specific performance is one of the things allowed by Act XIII; but having eliminated the question of time from the contract, it

simply makes the Act a dead letter, and any amendment of the Act must bring time into the clauses which you seek to improve. There is one more defect in the Act, which I think is capable of remedy. It says that the civil remedy which the planter has for any loss he may have sustained for breach of contract is not affected by the punishment of the defaulting contractor until he has repaid the advances or has suffered three months' imprisonment. (Mr. H. Gompertz handing Mr. Clarke a copy of the Act said "the interpretation of that section is quite different.")

Mr. Clarke continuing, read from the section—"provided that no such order for repayment of any money shall, while the same remains unsatisfied, deprive the complainant of any civil remedy by action or otherwise which he might have had but for this Act." Having satisfied the Magistrate's order for repayment of advances he is safe from a civil action to recover damages for default.

Mr. Gompertz,—No !

Mr. Clarke—"That is the only way I read the section. As I said before, Travancore suffers specially not from minor defects, but from the radical defects that the Act does not come within the provisions of Extradition, and has not been formed to meet contracts for providing labour. These are the two vital points I hope to have an opportunity of discussing later on. I have therefore confined myself to the amendments I would like to see in the Act. (Cheers).

Baron von Rosenberg (Kanan Devan) :—I have received a letter from the Secretary of the Peermaad Planters' Association regretting that they could not attend the Conference owing to many of the Planters having gone home, and the others having to take charge of their estates. But he assures me, speaking on behalf of the Association, that he is quite in unison with us, and regards with feelings of pleasure the fact that the Conference is about to meet, and hopes that it will be an annual occurrence and of general benefit to the Planter.

Mr. H. Gompertz (Shevaroy) said :—

MR. CHAIRMAN AND GENTLEMEN,—I think before I say anything further I must take the statement made by the last speaker (Mr. Clarke) which, while he was speaking, I took exception to, and pointed out that his reading of the Act was incorrect. The provision to which he referred is found in the last part of Section 2 of the Act. "If such artificer, workman or labourer shall fail to comply with the said order, the Magistrate may sentence him to be imprisoned with hard labour for a term not exceeding three months, or if the order be for the repayment of a sum of money, for a term not exceeding three months

or until such sum of money shall be sooner repaid, provided that no such order for the repayment of any money shall, while the same remains unsatisfied, deprive the complainant of any civil remedy by action or otherwise which he might have had but for this Act." Now it is perfectly clear that if the defendant under the order of the Court paid the money, the Planter's civil action *pro tanto* falls, but there is nothing to prevent his going on with a civil action for breach of contract. All that is provided here is that he may not have a second action for the money paid, but that until that sum of money is paid the civil action shall remain. This is how the Act strikes me. With reference to another remark which has fallen from Mr. Clarke of South Travancore as to the necessity of time being of the essence of the contract, I think he has quite lost sight of the important distinction that this is a Criminal Act and he cannot expect that to appear in Criminal Law though it may very properly be taken into consideration in a Civil Suit. Finally, with reference to another subject which has been mentioned, I fully recognise the importance to many Associations of Extradition, but I think it is a great mistake to mix that question up with Act XIII. Hammer at Extradition as much as you like, but hammer at it separately. Let Act XIII be one subject and Extradition another, entirely distinct. This is all that I have to say except that I heartily support Baron Von Rosenberg's suggestion as to an annual Conference, and I hope we will not separate without passing Resolutions putting the matter on a permanent footing.

Mr. Robert Collins (Kolar Gold Mines) said:—

MR. CHAIRMAN AND GENTLEMEN,—I do not think the subject before the meeting affects Kolar to any great extent at the same time if my vote will be of any assistance to the Conference I am perfectly willing to give it. (Cheers.) I think the only thing which affects us is the Extradition Act. It is not our custom, as I believe it is the custom of the Planters to advance large sums of money to coolies, but we, perhaps, are in a better position than you are in being able to offer better attraction to the coolies who come without advances. On the other hand our inconvenience is, situated as we are close to the frontier, that it frequently happens that coolies guilty of acts of fraud, escape over the boundary before we have an opportunity of apprehending them. If this affects you gentlemen, I will be very pleased if you will back it up. The difficulty with us under the Extradition Act, is to get the coolies back to punish them. I am sorry I cannot assist you any further; perhaps, however, I ought to make myself better acquainted with the facts than I have as yet had an opportunity of doing. With that view I shall be glad to see the Secretary afterwards and assist you as far as I can. (Cheers.)

Mr. F. W. Grey (Kolar Gold Mines):—

MR. CHAIRMAN AND GENTLEMEN,—Might I say a few words in addition to what has already fallen from my colleague. As far as things stand at present Act XIII of 1859 is not a crying evil as far as we are concerned. We are able to get plenty of labour close to Bangalore. I believe the authorities at Bangalore send a man to Kolar if he cannot find the means to go himself. (Laughter.) It may happen though that the mining industry may suffer considerably when it goes into a new district. A friend of mine who has just opened out a new place, I know, finds some trouble with regard to labour. He finds the same difficulty of recovering advances from the maitries as the Planters experience. I know also that in Wynaad in 1881 and 1882 when mining was first started there we had enormous difficulty in getting labour. Most certainly in Mysore if new mines were started in new districts there would be a lot of trouble experienced under this Act and I think therefore I ought to support the Conference with my vote on this subject.

Mr. Graham Anderson (South Mysore):—

MR. CHAIRMAN AND GENTLEMEN,—I beg to inform you that having heard that Extradition was to be treated as a secondary subject, I have made the remarks which I will now read to apply solely to Act XIII. I hope to have the honour at any time during the discussion to give the Conference my views upon the important subject of Extradition.

A profound sensation has been caused throughout all Planting Districts by the refusal of the Government of India to grant the reasonable request that in order to protect the interests of the employer and employé, the Act may be amended and made intelligible alike to the contracting parties and the magistracy. The sympathetic and courteous terms in which His Excellency the Viceroy was pleased to speak at Mysore clearly evinced a firm and comprehensive grasp of the importance and collective nature of the representations made and the interests involved in the Memorial submitted by the United Associations of Southern India. It is therefore very greatly to be deplored that the Secretary in the Agricultural Department should have selected such a singularly inappropriate and inaccurate designation for the duly constituted representatives of those Institutions which, having been specially organised for the purpose of promoting the welfare of the important enterprises in which the planting community is engaged, and having been in existence for many years, are in no way unworthy of the names they bear and the recognised position they maintain. It being a part of my official duty as a delegate to this Conference to assist as far as my humble ability will permit in demonstrating that the law relating to cases of breach of contract is in a most unsatisfactory state and demands the prompt and sympathetic consi-

deration of the Government of India, I will have to examine the subject minutely, and consequently, as I have to deal with principles and not with persons, I earnestly trust that during the course of my remarks, neither by word, expression nor implication may I be supposed to mean any disrespect for the legal officers of Government, who undoubtedly do their best faithfully and fearlessly to administer an ordinance which is itself, admittedly, in a most defective condition. The Memorial which was submitted by the United Associations of Southern India asked for no favours or class distinctions. In fact, the first request was specially framed to manifest the necessity that exists for a Clause to make it clear that contracts between maistries and labourers for work to be performed on coffee, tea and cinchona estates are subject to the provisions of the Act, which although originally intended to deal with artisans and artificers in Presidency towns, was specially extended to the Planting Districts to meet certain recognised requirements, for which, however, in the opinion of the legal officers of Government it is neither suited nor applicable. Sir James Stephen is recorded to have said "that to try to avert evils by leaving the law undefined and by entrusting Judges with a wide discretion, is to try to put out a fire by pouring oil upon it." Sir Richard Temple has minutely explained that "the administration of justice can be secured only by laws being judiciously framed." "Every nation as it advances in wealth and civilisation demands to be ruled, not by the will of persons who, however able, and well meaning, will be sure to differ one from another in a manner sometimes seemingly capricious, but by a fixed system to which all can steadily look and on which they can reckon when forming their plans." "In the absence of legislation, . . . a nucleus of judge-imported law would be framed, around which a mass of decisions would gradually be gathered." This is precisely our contention and experience. The vaguely worded clauses of the Act have been clearly proved positively to frustrate the object for which its provisions were specially extended to the Planting Districts, and the interpretations of the highest legal authorities in Bombay, Madras, and Mysore only too clearly demonstrate that the unwritten laws of equity and common sense have been compromised by the ambiguity of expression and total absence of detailed instructions which are peculiar to this Ordinance and make it, according to its interpretations, the most unsatisfactory, indefinite and inequitable one in the Statute Book. All local Governments, and the Press, are undoubtedly in favour of certain reasonable amendments being made, and as coffee, tea, and cinchona planting are important industries in this Presidency we have every reason to maintain that the requirements of the situation have been most fairly represented. There are no industries more unselfish or more suited to the requirements of the labouring peasantry than those alluded to, but without European capital and perseverance, they would never have

been maintained, and without them the hill tracts of this Presidency would, to Government, be the most unremunerative in the country. The vast sums of money introduced and utilised have most materially altered and improved the condition and prospects of hundreds of thousands of the labouring classes, and the systems of discipline, management and instruction adopted on European properties have undoubtedly had a most marked and beneficial effect. Sir Richard Temple emphatically supports this assertion by stating that "near the centres of industry the labouring classes are no longer humble. On the contrary, they are becoming intelligently conscious of their improved status, independent in giving their labour, observant of the terms of their engagements and tenacious of their claims to remuneration." To all this may be added that nothing is dearer to the heart of a labourer than to become a peasant-proprietor and the improvements recently introduced relative to the security of tenure by the Survey Settlement, coupled with the facilities for obtaining land, owing to the Gowdas in the Mulnad having turned their attention to coffee, have greatly stimulated the desire to take up Government rice and ragi land for cultivation. It is the popular idea that the system of giving advances is the creation of the European planters. This is the greatest mistake possible, as there are abundant proofs available to show with most perfect clearness that it is intimately involved in almost every undertaking and transaction in India, which is essentially a poor country with a teeming population principally dependent on agriculture for subsistence. Ready money among the lower classes can only be obtained at a ruinous rate of interest, but is necessary for marriages, funerals, payment of debts, Government taxes, caste ceremonies, building of houses, purchase of cattle, clothes and jewels; for religious offerings, legal expenses, implements, fines and penalties. With such a list of requirements or demands, it is but natural that in order to collect together a large body of labourers for the maintenance of any industrial enterprise, advances are demanded and must be given in order to free the persons about to be employed from their pressing obligations. No interest is charged by the planting community and once the money is obtained and the pressure of circumstances removed, then, and not till then, is the true disposition of the individual employé developed. It is only fair to the working people of the country to say that the majority are strictly honest and punctually fulfill their engagements; but on the other hand there are those who have neither the desire nor the intention to faithfully keep to their agreements and render it desirable that the law should have some actual restraining influence. The Government of India, however, has declined to make the law operative and intelligible and seems to be overwhelmed with an imaginary dread that some terrible form of oppression will result if the slightest amendment be made, even though it be merely to simplify the rules of practice, and the administration of justice as between man and

man. Our contention is not a selfish one, as we principally complain that the Act as written contains nothing definite and that in consequence, judge-made law has alone to be depended on. In regard to oppression, we respectfully maintain that the employers are at present the only sufferers, and we may most confidently assert, without the remotest fear of contradiction, that it is an acknowledged fact that nothing but disaster and ruin would follow the adoption of any injustice towards the labourers employed in the industry we represent. What we have solicited is, that, regardless of persons, the law may be amended so as to provide that he who acts fairly may be protected against him who acts unfairly and dishonestly. We do not complain against the labouring peasantry as a body; our desire is to be safe-guarded against the fraudulent practices adopted by individuals, and which are gradually, but steadily, increasing owing to the lamentably unsatisfactory state of the law. As a general rule the labouring classes are our friends and supporters, and it is to our best interests to be on good terms with them and to do everything in our power to attract them to our estates. The planters, in fact, have unquestionably freed them from bondage by advancing large sums of money and affording constant and congenial employment, and the only real danger is, that if these benefits are withheld in the future, the labourers will revert to those conditions from which they have been emancipated by British capital and advice. We have most clearly shown that "the universal object and practice of planters in dealing with their contractors, and of contractors in dealing with their coolies, is to avoid punishment if by any possibility they can get the contract for labour fulfilled." The Mysore Government, with commendable appreciation of existing circumstances, has had a digest of rulings of the Chief Court published for the guidance of Magistrates, and although the compilation is an unmistakable indication of the scrupulous care with which the Courts of this Province are supervised and controlled, the evidence afforded considerably enhances the difficulties of the situation by clearly demonstrating the fact that the Ordinance in its present form is wholly unsuited for the purposes for which its provisions were specially extended to the Planting Districts and that the interpretations of the highest legal authorities in Bombay and Madras, which have been rigidly adhered to, are in no way calculated to contribute to the welfare of any industry or the moral improvement of the labourers employed. Nothing could be further from our desire than to have an enactment that would preclude the possibility of exercising leniency and patience in dealing with those who are the mainstay of our enterprise. We ask that the law may be improved and defined so that we may know how to make our plans and our employés may thoroughly understand their obligations. The widespread knowledge that well-balanced provisions are available and will be equitably enforced.

ed by the duly appointed officers of Government would have a most desirable effect. The specific difficulties under which all industrial enterprises labour may be briefly alluded to as follows:— Although the Act under consideration is supposed to apply to fraudulent breaches of contract and to provide a summary remedy in cases of wilful and unreasonable neglect or refusal to perform what has been agreed upon ; and although no punishment is provided for, except that which appears to refer solely to contempt of Court, the Ordinance in its present form is unintelligible and unworkable and tends to encourage rather than to counteract systematic imposition, neglect of contract obligations and persistent annoyance. Under these circumstances it has been respectfully represented that as the Statute was extended to the Planting Districts in order to deal with certain recognised evils, it should be suitably amended so that it may become operative instead of remaining a dead letter, causing trouble, anxiety and annoyance to the Magistracy, and loss and vexation to those who make contracts under its protection. According to English law, “fraud may be defined as deceit which causes injury to others.” “Active misrepresentation usually amounts to fraud.” “A prospectus which omits to notice a contract entered into by the promoters of a Company is none the less fraudulent because the omission was accidental.” “The false pretence must relate to some present fact.” “Every person who fraudulently represents as an existing fact that which is not a fact and so obtains money or money’s worth commits an offence within the Act.” It may therefore be reasonably presumed that cases of the following nature may be classed as fraudulent:—

1. Persons who obtain money by representing themselves to be free agents or contractors, with labourers ready to attend work, but who are subsequently proved to have no gangs and to be bound by unfulfilled contracts.

2. Labourers who while bound by unfulfilled contracts, solicit and obtain money, falsely representing themselves to be under no obligations which could interfere with the performance of specified works which they undertake to execute.

3. Labourers who feign illness or give false excuses for wilfully neglecting contract obligations and proved to be working for others from whom they have obtained another advance or can obtain full wages without any deduction.

Such cases are of daily occurrence and will steadily increase so long as the law is left in its present condition, and employers will have to continue to sustain loss and annoyance by abstaining from carrying their just complaints to the Courts knowing only too well that the officers of Government are, for many reasons, perfectly powerless to assist them. A contractor may misappropriate money entrusted to him for a specified purpose and cannot be punished for either breach of trust or contract or even for cheating or embezzlement owing to his being able to plead that he has given

out the money to labourers or others who have failed to carry out their agreements or have absconded into British territory whence Mysore warrants are powerless to bring them. It is for these reasons that it has been solicited that defaulting contractors may be treated as defaulting bankrupts, or in other words, that the weight and responsibility of proving what they have done with the money entrusted to their care, may rest on them and not on their employers. In regard to individual labourers, the planters in Mysore have special facilities and opportunities for watching the measures they adopt for imposing on their employers and it is my duty clearly to point out that by far the greatest annoyance and losses are caused to those who deal direct with coolies and not through the agency of maistries or contractors. It is for this reason that an equitable and truly efficient Ordinance is required which would exert a wholesome influence over all employes and at the same time permit the free exercise of patience and consideration on the part of the employer. The worst misfortune really is, that while the Government of India is fearing that oppression may result from a reasonable and well-considered modification of the Statute, calculated to check and prevent the steady increase of disorder and loss in the conduct of important industrial enterprises, any attempt on the part of employers to use their discretion relative to acting with leniency or consideration either in the matter of repayment of advances, or the giving of subsistence money to labourers while working off a contract; or by granting them monetary assistance in time of sickness, or domestic affliction, or in order to purchase clothing in the cold weather, immediately cancels the agreement and precludes the possibility of any protection being afforded under the provisions of the Act. Such payments are absolutely necessary when dealing with poor and improvident people. The original earnest-money obtained under the contract may have been used to pay off a debt bearing exorbitant interest; or the person may have left it in his village to pay taxes or conduct a marriage and when he arrives on the estate he must be properly supported and clothed. He may also be ill and unable to work for a time, and under such circumstances he must be properly fed, clothed and looked after. We all have the most implicit confidence in the efficacy of the suggested amendments as specified in the Memorial, and I venture to submit for your information a copy of the Digest of Rulings of the Chief Court of Mysore which contains numerous cases which illustrate some of the difficulties involved in working the Act, and some of its interpretations which may be roughly classed as follows:—

1. Inadmissibility of running accounts.
2. Necessity for strictly adhering to the terms of the contract even during periods of sickness, affliction or trouble.
3. Absence of protection relative to balances.
4. No subsistence money to be allowed during period of contract.

5. Large advances supposed to induce conditions savouring of slavery.

6. Small advances not cognisable under the Act.

7. Warrants to be refused after six months from date of defaulter absconding.

8. Limitation applicable to Criminal Law.

9. If the work contracted for has been performed during the defaulter's absence, a case cannot stand under the Act.

10. Necessity for defining the word *Advance* as earnest-money or consideration, as distinct from a simple prepayment of wages.

11. Are separate contracts necessary with each individual, or may a number of persons be included in one agreement?

12. In the latter case, in the event of the death of one of the parties, how is the contract to be performed or enforced?

13. In the event of a labourer, through neglect of his obligations, rendering it impossible to fulfill his contract within the specified period, what course is to be adopted?

14. The injustice of allowing an employé to shorten the period of service at pleasure, by his own wilful or unreasonable neglect.

15. What is the proper place in which the complaint should be lodged when the labourer or contractor living in a distant village never quits his home after receiving an advance?

16. The uncertainty arising from only using the words artificers, workmen and labourers in the Act when maistries and others are not included in those terms.

Later on, I will have the honour of joining in discussing some of the simplest and most effectual safe-guards against any form of oppression being practised on employés, which I feel sure the planting community would desire to recommend, well-knowing that the Act has to be rendered applicable to the requirements of all industries throughout the British Empire. I wish now to take the fullest advantage of the deliberations of the delegates assembled, their experience of the working of the Ordinance and their opinions as to what measures should be adopted to bring about an equitable amendment of its provisions so as to protect the interest of all industrial undertakings and of the labourers employed.

Mr. M. N. Subbaiya, (South Mysore Native Planters' Association,) who received a hearty reception, said:—

MR. CHAIRMAN AND GENTLEMEN,—I rise in the name of the South Mysore Native Planters' Association to represent the interests of nearly 16,000 native coffee planters of South Mysore. We own about 35,000 acres of coffee land, and give employment to not less than 30,000 labourers, both local and imported. We labour under the same difficulties, and hardships if not more than our brother planters, both European and Native, in the Province of Mysore. There is an impression in some quarters that planters treat their coolies badly and use unlawful means to get them to work. We beg to say in this particular respect that it is our first duty to disabuse that portion of the public of this unfounded notion, and

assure them that labourers and maistries are now the masters of the situation as it at present stands, and that we are at the mercy of the unscrupulous maistries and misguided coolies. The greater part of this fraud lies with the maistries, and that the existing Law Act XIII of 1859 is powerless to remedy the evil. This Act was made to suit the convenience of the people who live in large towns where they can have every facility to go to Courts which are near to them. But in the Planting Districts one has to go a great way, say about a hundred miles, to apprehend a defaulter. We house them comfortably, get provisions for them from a considerable distance at our expense, see them properly taken care of while sick, and in fact we do whatever we can reasonably do for their comfort. Notwithstanding all our kindness, they take the earnest money from several planters and deceive them. The rulings of the High Court are, in my humble opinion, founded on an erroneous opinion or idea of life, habits, and work of rural labourers. The fault does not chiefly lie with the labourer but partly in the Act itself, which enables him to get himself enriched at the expense of his master. The Act XIII of 1859 is inoperative for the efficient carrying out of contracts for labour. The provisions of the Act are not properly understood by the Judge, planter and labourer. The only remedy according to the Act is to summon the defaulter before a Magistrate, who orders him to pay up or work out the consideration money he received. He (labourer) does neither, and the consequence is that he is brought again before the Magistrate with considerable expense and trouble, and is awarded a punishment for disobeying the Courts' orders in no way benefiting the planter. There is an end of the whole affair, and the planter's money is lost. Consequently the planter suffers not only in his purse but also in business upon which he entirely depends, simply for want of timely labour. The coolies and maistries are thoroughly conversant with the weakness of the law, and this fact makes them bolder to continue in their perverse conduct. Our loss through desertion of labourers and fraudulent practice on the part of the maistries are very considerable. To quote an example, an estate covering an area of 100 acres with an average annual expenditure of Rs. 10,000, *i. e.*, at the rate of Rs. 100 per acre to cultivate in a properly systematic manner, has incurred a loss of Rs. 2,500 during the last 5 years through failure of contracts, in addition to the harm done by the desertion of labourers at a critical time. It is a matter for great regret that we have no certain and speedy measures for the relief of our grievances. The law by its weakness holds out an inducement to labourers and maistries to become dishonest. This state of things which every one admits requires a thorough change. All that we require is a law to defend the honest man against the dishonest whether he is the employer or employé. Under these circumstances, we strongly support you in urging upon the Government that their early and

Mr. R. Milne (Nelliampathies), said the conditions in his District were much the same as in South Mysore and Travancore, and he therefore had much pleasure in supporting the remarks made by Mr. Graham Anderson and Mr. Clarke.

Mr. Srinivasa Row (North Mysore Native Planters' Association) said :—

MR. CHAIRMAN AND GENTLEMEN,—Before entering on the consideration of the subject with which we are at present engaged, I think it is well at the outset to enquire into the prejudices which may partly come in the way of planters. They are few, seemingly reasonable, and they must be fully explained and shown what they are worth :—

1. The necessity of the Act XIII of 1859 is not so much felt by the Native Planters.

2. Labourers are labourers. Wherever they may go they must work and earn their living. If the planters only treat them kindly, why will not the coolies stop with them ?

3. By irregular and bad payment coolies lose confidence in planters, and they don't stick to them.

These are the questions often put to planters by some of the Magistrates and Judges who are not in direct touch with the planting community. I shall try my best to meet these objections fully. The extent of land under coffee in the Kadur District is 94,894 acres, of which 34,416 acres are cultivated by Europeans and 60,478 acres are cultivated by Natives. Probable capital laid out both by Europeans and Natives in bringing these acreages into bearing is Rs. 2,37,24,500. The sum employed by Natives alone is Rs. 1,51,19,500. Most of the Native planters are poor. They invariably work on borrowed capital. The interest they pay on the loan raised is enormous and *incredible*. It varies, gentlemen, from 18 to 36 per cent., sometimes more. I think it is not out of place here to mention the rates of interests of our Lubbay Sowcars and some of the Mangalore merchants. With our Lubbay Sowcars the usual rate of interest is 24 per cent., and *Biddacutt*, which varies from 4 annas to Rs. 2, according to the position of the man that borrows. With Mangalore merchants the rate of interest is 12 per cent., and Rs. 7-8-0 *Biddacutt and Dallaly*. These rates of interest are heavy enough on money borrowed in the early part of the year just after the crop, but on money borrowed from November to March is ruinous. For every Rs. 100 he borrows he pays one rupee interest and Rs. 7-8-0 per month. Coolies are to be advanced generally in marriage seasons. These are two, one is just before the crop, and the other is just after. As a rule they do not like the marriages to be performed late in the season, for the uncertainty of the weather. They insist on having advances before the crop. If the planter has to borrow just before he sells his

coolies or absconds, what might not be the disadvantages and disappointments of the planter? Now, how can one say he does not seek redress if there be any means? So the idea that Natives do not feel the necessity of the Act XIII of 1859 is a mistaken one. On the other hand, in my humble opinion they feel the necessity of it more than the European planter, as they are labouring under double disadvantages. The representations made by Natives to the Mysore Government a year ago in the Dusserah Assembly clearly show that they are not far behind their European brethren in pointing out to the Government that the Act XIII of 1859, as it stands, is most damaging to the interests of planters, and they could not go further as they are the subjects of H. H. the Maharajah. To secure success in any occupation, especially in cultivation, everything must be done in proper time. A planter cannot plant in February, nor can he pick in June and July; besides, the Proprietor and his Superintendent cannot themselves do all the required work on the plantation. They must employ a certain number of coolies, according to the extent of the estate. Coolies are always a shrewd people: Before they take advances and agree to work on a new place under a new master, they inquire into and know all about the place and the nature of the man under whom they are to work. After they do go to the estate if they find anything wrong (certainly not by the fault of the Proprietor or the Superintendent) they, though under heavy advance to the estate, at once desert whatever important work the planter may be carrying on. Now, who is the loser? Certainly not the coolies, since they readily find work on the neighbouring estates on their usual wages, if not more. What about the planter? In many cases he loses both money and labour, sometimes his coolies, (the loss of the latter is worse, as no work can be done in time) which is worse, as he shall not have men to do any work in time, which means disaster and ruin to him. Coolies on most of the estates are very much better treated and better housed, fed and clothed, and better attended when they are sick than they expect at home in their own villages. With regard to irregular and bad payments, I need not say much, since coolies will have received advances before they come to work. If they work the advanced money, the planter is amply satisfied, and he wants nothing more. How then do these accusations hold good against any planters? Now-a-days coolies dictate their own terms with regard to the work they have to do on the estate and advances they have to get. Notwithstanding all the kind treatment and yielding to their will, they try to deceive and to ruin the prospects of planters. While this is the fact, would planters be so foolish as to increase their miseries by ill-treating their coolies? No one wishes to burn his own fingers; I do not mean to say there are not some bad masters among planters. There may be some, but such men always suffer, and the Act XIII, if amended to the entire satisfaction of such planters, it

shall never improve their condition. What makes the coolies not to stop with the planters?

1. Planters deduct certain amounts out of cooly's wages according to his contract towards the advances he had taken. That money has been spent either in marriages or in clearing old debts. He is not satisfied with what he gets, he wants more money, he goes to another estate.

2. Demand of coolies is more than the supply. The planters always are in search of them. If any maistry with a number of coolies, or coolies themselves offer to work for a certain planter, he advances them. They stop a day or two and abscond.

Mr. H. Hart (Binny and Co.) said :—

MR. CHAIRMAN AND GENTLEMEN,—I am sorry I have not studied the question, but I know how badly Act XIII operates against the Planters, and I am glad at this early stage to say on behalf of Messrs. Binny and Co., that we are quite prepared to lend what assistance we can to remedy this bad state of affairs.

The Chairman, after enquiring whether any other Gentleman present besides the Delegates wish to favour the Conference with his views on Act XIII of 1859 said—as far as the discussion on Act XIII of 1859 is concerned, I think, looking at it from the point of view of the North Mysore Planters' Association, which, I have the honour to represent, the whole question has been thoroughly covered by the speeches just made. I would specially endorse the speeches made by Mr. Geo. Romilly (South Wynaad) and Mr. Graham Anderson, (South Mysore) I think they have covered every detail of the question and I need not, therefore, go into them. I would, however, specially refer to the question dealt with by the Native Planters here. You have heard what they have to say, and I place great authority on their statements because it is the first time Native Planters have been able to join in such a Conference and this shows that in every detail which has been opened up in the discussion in this Conference, their interests are identical with our own. Such being my opinion I do not think I need go into the questions opened such as the Registration of Maistries, Extradition, dishonesty of the action of the coolies in taking advances from two estates, and time the essence of the contract, these will come at a later stage of the discussion. In the speech made by Mr. Graham Anderson I did not clearly understand whether he advocated a fresh law or simply a modification of the existing law on the lines suggested by the South Wynaad Association.

Mr. Graham Anderson (South Mysore) explained that what was represented by the Memorial presented to the Government of India which emanated from the office of the South Wynaad Association covered all their wants with the exception of the introduction of a definition of the word "advance" and of the word "planters." He maintained that they were neither merchants nor

tradesmen, and the necessity for a word being introduced to cover all their legitimate wants afforded fresh evidence of the unsuitability of the Act for their requirements as it existed in its present form.

The Chairman continuing said:—I think there is general consensus of opinion very much one way, and when we resolve into Committee suggestions will be made for the alterations of the Act. I was very glad to hear Mr. Srinivasa Row refute the statement frequently made against Planters as to the ill-treatment of coolies and I am sure every planter here will endorse what he has said. It is obviously not to our interests to ill-treat our coolies; as far as we are concerned I believe we are more the slaves of the coolies than they are ours, and unless we treat them leniently and justly no Planter will be able to keep his labour. I think the discussion with regard to Act XIII may now appropriately close, but we shall have time before we temporarily adjourn to open the discussion on Extradition. That question affects Mysore and Travancore especially, but I hear that we are supported unanimously by every other Association in South India. I spoke on the subject to Mr. George Martin, of Coorg, and he says that his Association is perfectly prepared to support the action taken by this Conference in the matter of Extradition. They have the power to extradite coolies out of Mysore or any other part of India which has been denied to us. The fact that we advance money to coolies and they are able to leave the District of Mysore or Travancore and so avoid the law creates a criminal class which is a disgrace to any community. As the Act specially affects Travancore and Mysore I will call upon Mr. Clarke of South Travancore to open the discussion with regard to Extradition.

EXTRADITION.

Mr. T. Clarke (South Travancore) said:—

MR. CHAIRMAN AND GENTLEMEN,—I rather expected that the debate on Extradition would come on later than it has and, consequently, I am hardly prepared to put the matter before you with all the emphasis and force that I might wish. However, it is not a question that has risen within the last few days, it is a question which has been a burning one for years and years and I must simply ask your forbearance if I have not got the materials arranged as I should like to have. As regards Act XIII, years ago we used in Travancore to be able to recover advances, or to get a runaway contractor to work again by signing a contract in British India and then in the case of default bringing him up before a British Court. The process that was gone through acted, I fancy, as a sort of intimidation of unknown danger; the men did not know what law it was they had broken and the Magistrates were consequently able by persuasion or threat without actually calling the powers of the Law

This sort of thing went on for years, but by degrees the rulings of the High Court came down one by one debarring Tahsildars and Magistrates from acting in that way until now any case against a defaulting contractor is simply thrown out before it is considered in a British Court. In the Courts of Travancore we have first to catch our hare who may be over the border, and the Court has no means of bringing him back. Consequently, as I said just now, Extradition is a matter of vital importance with regard to our dealings with labour. At present our only remedy is a suit for damages in a British Court. Now as to the question of Extradition there have been various objections made to the granting of Extradition by the Government of India. I believe the one having the most weight and the one which we are likely to have the greatest difficulty in overcoming is for the Indian Government to say if we bring Act XIII within the provisions of Extradition, we must do so not only for Mysore and Travancore, but for every other Native State, and that is a condition of things we are not prepared to introduce. It might be that all Native States are not governed on liberal principles and staff of judicial officers of which could not be trusted with the liberties of a British subject even though the trial be a formal one. The Indian Government has already said strongly, and it is likely to say so again, that it cannot concede Extradition to all Native States and it is, therefore, debarred from bringing Act XIII within the provisions of Extradition in the way we ask. It was about a year ago, when H. E. Lord Wenlock was down in Travancore, that we presented a petition to him to get over this difficulty. Most of the estates in Travancore are close along the border and a contractor would have only 3 or 4 miles to go to cross the border, consequently we have little opportunity of arresting him within the limits of Travancore. We, therefore, explained this to Lord Wenlock and asked if he would consider a proposal which we had to make. The frontier of Travancore which we Planters complain is affected and consequently in need of the provision of Extradition, is not very extensive, we therefore, suggested that the Travancore Government should be permitted to appoint Magistrates who would have the privilege of issuing processes, warrants and summons under Act XIII which would run in British territory as if Travancore was not a Foreign State, but a neighbouring British District. Most of our labour comes from Tinnevely, Madura is a neighbouring British District and if a man committed an offence in Madura and crossed into Tinnevely he could be arrested on a warrant issued by a Magistrate in Madura and signed by the Magistrate in Tinnevely. We asked that Travancore might be treated in this manner. The argument we adduced in favour of this concession being granted was that the British had considerable influence in Travancore, they were represented there by the Resident, whose duty it was, and who was expected to exercise super-

supposed to go on in the country in the way of Government measures which was not under the supervision of the Resident. Therefore, supposing the British Government did appoint Magistrates with special powers of which we speak, it could as the ruling power always call upon the Resident to declare what Magistrates should, and what Magistrates should not, exercise such powers over a British subject, and in the case of necessity he would have the power of revoking altogether the permission for having Magistrates in Travancore with these extraordinary powers. This, however, was not the only means by which the British Government would be able to exercise control, it would also be able to name the Magistrates who would be appointed to special posts and have special power. We say that not only should this be done, but that having arrived at this stage, the British Government might meet Travancore reciprocally by allowing Travancore to name Magistrates along the border of British Territory whose processes might run in Travancore in the same way as Travancore processes would run in British Territory. This was the recommendation we made which we thought was a way out of the difficulty. To my mind this disposes of the objection the Government of India has brought, and is likely again to bring, to our request for Extradition, namely, that it is impossible to concede such a privilege to all Native States. Such a privilege as the one we advocate is one which would naturally be given first to one Native State and then to another. It would not be necessary to consider the general condition of the Native States as to their legal establishments, or to the method in which the law is administered. It would be simply necessary to consider the States of which we are now talking of giving special powers. With regard to Travancore, we represented, that the system of jurisprudence had during the last 10 or 15 years been raised to a higher standard than had ever been attained before, that the purity of justice was rising to a reasonable level, and that the supervision of proceedings by the High Court was done in a rational and civilised way and, consequently, we did not think that the British Government need fear in trusting the privileges of a British subject to courts which were exercising powers under the restriction of a British Resident residing in a Foreign State. In reply, Lord Wenlock said that it was determined by the Madras Government that Act XIII should be brought within the provisions of Extradition thinking, apparently, that Extradition would suit us just as well. Extradition will not suit us just as well, and I doubt if it will suit Mysore just as well. The reason for this I will try and explain. If my place is situated three miles from the border and the Magistrate with the jurisdiction I have been speaking of resided 15 or 16 miles away, it would be comparatively easy work to go down to him and get a warrant which could be executed next day. But supposing, on the other hand, I went to the same Magistrate to apply for a warrant against a man who was over the Border

under Act XIII with provisions of Extradition, he would issue a process which would have to go to whoever represented the District Magistrate, from him it would go to the Resident and after filtering through half a dozen more subordinate authorities would eventually come to the Inspector of the place who had all along been in communication with the Magistrate who issued the original process. What we say is here is a round about way of doing things and we much prefer a simpler way. We wish that our view should be adopted in any representation that may be made to Government on this subject, but we also believe in unity, and whatever is decided as the unanimous view of the Conference, that Travancore will agree to; but I would like you to take into consideration the method I have stated and see whether it cannot be worked out into some feasible scheme. (Cheers).

The Chairman asked if there were any European Magistrates in Travancore.

Baron Von Rosenberg (Kanan Devan) said there were several European Magistrates in the Planting Districts.

Mr. Graham Anderson said:—

At the Mysore Representative Assembly I last year had the honour to give most emphatic expression to the universal feeling of regret that prevails in this Province, that notwithstanding the untiring efforts of His Highness's Government to maintain every Department of the administration in the highest possible state of efficiency, it should still be denied the equitable privilege of enjoying precisely similar facilities for executing warrants in British territory as it readily accords to all processes emanating from British Courts. I also pointed out, that, completely surrounded as Mysore is by British territory, it indeed seemed a lamentable anomaly that the beneficial influence calculated to result from such a favourable position should in any way be neutralised by the knowledge that persons guilty of minor offences, have only to cross the frontier line to escape punishment; and that the continuance of this state of affairs, now that railway communication is being extended on all sides, is calculated to defeat the most systematic efforts having for their object the suppression and detection of crime. It cannot be denied that it is derogatory alike to the prestige and position of both Governments to continue to permit British territory to be a "tower of refuge" to those who have reason to flee from the hands of Justice. Although, as explained in the reply from the Government of India, it may be somewhat inconvenient to arrange to afford facilities for extradition to all States, still, on the principle of the "selection of the fittest" which applies to nearly all

able difficulties can be in the way of gradually beginning to grant at least some reasonable concessions to such States as continue to enjoy the complete and unqualified confidence of the Paramount Power. Mysore may fairly claim such an indulgence, as its Government machinery was originally selected and tried by British agency and has been kept in gear and materially improved by a wise and sympathetic Sovereign whose first thought is the welfare of his subjects, and whose officers are men of experience, representing the highest available talent not only among the *élite* of this Province, but among those who have displayed conspicuous ability in the colleges and in official positions under direct British control. Doubtless grave constitutional difficulties are calculated to arise from the summary surrender of persons who are accused of offences against any foreign Law, but considering the laws administered in this Province are those which have been specially framed and sanctioned by the Imperial Government; that the country is ruled in strict accordance with British Indian regulations; that every possible security is afforded by Treaty obligations; that the State pays a large subsidy for protection; and that the Executive has always the benefit of the prompt advice and assistance of Resident Political Officers specially selected for their zeal and distinguished abilities, no danger of such a nature can possibly be feared. Even if it is impossible to alter the laws connected with extradition, we may reasonably and most respectfully express a hope that it may be found practicable to make some separate administrative change which would tend to facilitate the suitable disposal of cases arising under Act XIII of 1859. Recently, the Government of Mysore, while alluding to the inadequacy of the provisions of Act XIII of 1859, pointed out the benefits calculated to result from the registration of maistries. However desirable and useful this system may eventually prove to be, it can only be of service to Mysore Planters when the Extradition Laws have been suitably altered and when Act XIII has been equitably amended, as Planters in this Province are unable to make any advances to men and maistries in British territory, except on the clear understanding that they do so on their own responsibility, as in law there is absolutely no remedy or protection against defaulters, owing to the facts that Mysore warrants are inoperative in British territory and that British Magistrates are powerless to send defaulters back to a Foreign State, even though the agreements were executed within their own jurisdiction. The Planters of Mysore are surely equitably entitled to be placed on the same footing and to enjoy similar protection as other British subjects.

Mr. Milne (Nelliampathies) said:—Cochin, as regards Extradition, is in the same position as Mysore and Travancore.

As regards what has been said on the other subject, I would rather wait until I have discussed the subject with the delegates from Travancore and Mysore.

Mr. J. G. Hamilton (South Mysore) said :—

MR. CHAIRMAN AND GENTLEMEN,—I am afraid there is no chance of getting extradition for offences under Act XIII of 1859. The Government of India is naturally very touchy on the subject of its army, and one of the arguments brought forward against granting us extradition is that in the case of the Native States of India to whom extradition must be granted if it is granted to Mysore, Travancore and Cochin, they may send into British territory and arrest a British Sepoy for an offence which may be *merely breach of contract*. Failing the proposal of Mr. Clarke that to which Mr. Graham Anderson referred, namely, that Honorary Magistrates should be appointed, I think the only other course open to us is to have a new Act applicable only to tea and coffee estates in specified districts. If we could get such an Act, we may get extradition under it. I hope this contingency may not be lost sight of in making any proposition with regard to the appointment of Honorary Magistrates. There is one other thing to which I would refer. It may have been said of us in Mysore that we knew the state of the law very well when we commenced planting, but when planting was commenced in Mysore it was under British Government, and warrants ran in British territory, and when it was handed over to His Highness the late Maharajah that privilege was withdrawn from us and we have nothing in its place.

Mr. M. N. Subbaiya (South Mysore Native) said :—

MR. CHAIRMAN AND GENTLEMEN,—Without the extradition facilities no efforts to improve the moral character of persons who are unscrupulous can be made by the Mysore Government. As it is, the Labour Act is bad enough, but the question of serving warrants under the said Act is still worse. A labourer has only to run into British territory and we are powerless to arrest him. I firmly believe that in future we cannot hope to get warrants under the Extradition Act, owing to the fact that in the reply from His Excellency the Viceroy a decided opinion has been expressed that the Government of India would under any circumstances be averse to permit cases arising under the Breach of Contract Act being included in the category of extraditable offences. The Planters in British territory are unable to send out warrants direct with far less expense. We respectfully pray therefore that the Government will kindly accord sanction for the reciprocity of the warrants in the Mysore Courts.

Mr. Srinivasa Row (North Mysore Native) agreed with what Mr. Graham Anderson had said on the subject.

Mr. O. Scot-Skirving said:—

MR. CHAIRMAN AND GENTLEMEN,—I think Mr. Graham Anderson has put the case so fully that anything I can say on the subject is unnecessary. Mr. Hamilton, however, has made the remark that we are not likely to get extradition granted, the Government being unwilling to grant special favours to certain Native States. I confess I do not see the force of the argument. If a State has proved itself worthy of trust it should be given full powers. Even if there is no chance of the Government at home assisting us with regard to Act XIII, Extradition is a question which ought to appeal specially to a Liberal, not to say a Radical, Government which talks a good deal about equality, justice and that sort of thing. The mere withholding of this act of justice from Mysore, Travancore and Cochin seems to pre-suppose a state of misrule. The Government of India has been showering decorations on the executive of Mysore, and I daresay of other States as well, and it would be rather contradictory if they now say that they cannot grant some special favour to these States which they have already acknowledged are well governed. I think in the event of the Supreme Government not being willing to grant the concession we ask, we must point out the peculiar circumstances of Mysore and Travancore and Cochin, and pray for some special concession in their case.

Mr. Martin (Coorg) said:—Coorg has already expressed its views on this subject. I shall be happy to support any Resolutions which may be unanimously carried at this meeting.

Mr. H. Gompertz (Shevaroy) said:—

MR. CHAIRMAN AND GENTLEMEN,—The question of extradition does not specially affect the Shevaroy, but any question which affects Planters generally affects each body. I entirely agree with the previous speakers on the subject; but there are one or two suggestions which I would like to make. First and foremost it is not so much what we want as what we are likely to get that we should ask for. Most, if not all, of us would like extradition but are we likely to get it? Mr. Clarke has brought forward an alternative scheme which seems worthy of consideration, but I should like to suggest, in order that we may think the matter over before going into the discussion on details, whether there is not a way of getting what we want without Extradition as ordinarily understood. I think this might be done by getting Government to pass a rule or order that all agreements wherever executed may be registered in a British Registry Office, and should then allow proceedings to

be taken on them in British Courts. Further, it seems possible that we might get what we want if in all written contracts there was an agreement between the parties that any proceedings arising therefrom should be cognisable in British Courts. These are the only suggestions I would wish to make; possibly there are other suggestions that may be made by other delegates. Speaking for Yercaud I am entirely ready to support any proposition which may be arrived at.

Mr. W. L. Edmiston (Nilgiris):—I merely wish to say on behalf of the Nilgiris that, although the question does not affect us we have been sent here to act in unison with the planters of South India and any question which may affect an individual Association will receive our hearty approval.

Mr. Geo. Romilly (Wynaad):—The question does not affect us either, but I shall be glad to support anything that may be done.

The Chairman,—Gentlemen, about four or five years ago I was deputed by the North Mysore Association to meet Lord Dufferin and to specially raise the question of Extradition. Lord Dufferin's answer to me was, while he admitted that Mysore was well-governed and exceptionally well governed among all Native States, that any grant of Extradition to Mysore entailed a grant of Extradition to Indore, Gwalior and all other Native States in which there was much to be desired as far as good government was concerned. He said it was not a question between British India and Mysore alone, but it was an Imperial question and he had to decline to grant Extradition on the lines which we asked for on the ground that it was an Imperial question. About two years ago as the representative at the Dusserah Assembly at Mysore I again brought forward the case before the governing body of Mysore, and I have reason to believe, that what I stated there was represented again to the Government of India. In fact only last night H. H. the Maharajah told me that he had again represented the case and had met with a similar refusal. Well, gentlemen, the question is certainly if you look at it, an Imperial question, and I do not think as far as Mysore, Travancore and Cochin are concerned, that the Government of India will give us a special Act of Extradition. When I brought forward the case before Lord Dufferin I pointed out that as far as these Native States were concerned they occupied an entirely different position to Mysore, Travancore and Cochin, inasmuch as these States have a very large European population interested in cultivating the land. His Lordship admitted that this was a strong point in the argument in favour of Extradition; but he still went upon his original answer that it was an Imperial question. I am very much inclined to think that anything we ask for

now should be on the lines of the suggestion made by Mr. Clarke. With regard to the appointment of Special Magistrates to issue warrants to take effect in British Territory without reference to any other official, I think it is possible that the Government might consider that proposal because in Travancore and Mysore we have European Magistrates in all the planting districts; and at the rendition of Mysore to His Highness' Government one special stipulation was made by Sir James Gordon and endorsed by the present Dewan or Mr. Ranga Charlu, I don't know which, that no Native Magistrate should be appointed as the head, at all events, of any planting district; but I am certainly of opinion as Mr. Clarke put it that not only European Magistrates, but several Native Magistrates who have been highly educated, are well able to administer the Act and to take and weigh evidence in each case as well as Europeans. I certainly think and I hope this Conference when it goes into Committee may suggest to the Government of India that our special case will be met by some such suggestion as has been made by the delegate from South Travancore.

THE COFFEE STEALING ACT.

The Chairman,—Gentlemen the next question which will come before the Conference is the discussion on the Coffee Stealing Act. With reference to this subject it might possibly limit discussion if you hear what Mr. Edmiston (Nilgiris) has got to say on the subject.

Mr. W. L. Edmiston (Nilgiris) said:—

MR. CHAIRMAN AND GENTLEMEN,—Having heard that the question of amending the Coffee Stealing Act as suggested by the Nilgiri Planters' Association is now under the consideration of Government, I would simply suggest that as the decision of Government has not yet been arrived at, this Conference, when it goes into Committee, should bring its weight to bear on the question of a resolution supporting the Memorial, and that as regards that part of the Memorial which prays that tea may enjoy similar protection with coffee, special stress be brought to bear upon this point, the more so as I hear indirectly that Government only proposes to protect tea up to its arrival at the factory, which really is little or no protection at all, as tea cannot be used until it has been manufactured, and the class of people who are in a position to manufacture it are not likely to prove thieves of the leaf. The majority of delegates here probably represent coffee in a much larger degree than tea, but tea is being planted out in increasing quantities year by year, and promises to be a great industry in South India in the future. Tea, as a beverage, is rapidly gaining favour among the native population, and there seems no

reason why it should not have protection, as it is among the labourers on tea plantations that its use is extending, and among or through them thefts have been more common. I am told that the question of coffee stealing prevention is now under the consideration of the Government of Madras, and an amendment of the Act will be introduced probably at the next Session of the Legislative Council.

I do not see, therefore, that we can do much in the matter at present except to bring our weight to bear on the matter. With regard to one other point referred to in the Memorial, we suggest that in the words "green gathered coffee" the words "green-gathered" should be omitted and "coffee" left. Coffee should, we suggest, be protected in all stages of its manufacture and growth, and not only in the green-gathered state. I cannot conceive how Government ever proposed to protect it in its green-gathered stage only.

As no delegate seemed inclined to discuss the question any further the Chairman relegated the subject for discussion in the Committee stage of the Conference.

A PLANTING MEMBER OF COUNCIL.

The Chairman:—Has any delegate any question to ask with reference to representation on the Councils. It was proposed some time ago that the planting community should be specially represented on the extended Councils. You have seen from the newspapers the correspondence that has gone on and the reply the Madras Government has given. Has any delegate any question to ask with reference to representation on the Madras Council.

Mr. R. K. Walker (Wynaad) said:—I beg to suggest that this Conference should endeavour to get a definite promise that the next vacancy will be given to a member of the planting community.

Mr. H. Gompertz (Shevaroy) :—I do not think we can get that; but there is no reason why we should not ask for some power of election such as has been given to the Municipalities and District Boards that each Association should nominate a Member and a voting delegate.

Mr. Geo. Romilly (Wynaad) read a letter from the Private Secretary to H. E. the Governor on the subject, and suggested that they had better wait till H. E. had discussed the question in his coming tour through the Wynaad. Mr. Gompertz's suggestion seemed to him a little premature.

Mr. G. Martin (Coorg) said that as far as Coorg was concerned, a planting Member of the Madras Council only

indirectly affected them. Could the Conference, he asked, not go further into the question of having a Member on the Supreme Council at Calcutta.

The Chairman said the details of the question of representation would be arrived at in Committee when there was no doubt that the principle of electing a planting Member was the object they would have in mind.

THE LAND ACQUISITION ACT.

The Chairman :—Gentlemen, the question of land acquisition is a great question on the Nilgiris, but it is very probable that the question will affect other Associations as railway extension goes on.

The Chairman here read a letter from the Private Secretary to H. E. the Governor and continuing said :—"It is evidently the intention of Government seeing the mistake it has made already to alter the Act. Pending the alteration of the Act it is open to the Conference to make any remarks it may wish touching it."

Mr. H. Gompertz (Shevaroy) :—I think I have seen a copy of the amending Act. It is worse than the other one.

The Chairman :—Has any one got a copy of the Act ?

Mr. W. L. Edmiston produced a document which was circulated by the Chairman among the delegates in Conference.

Mr. W. Rhodes James (Nilgiris) said that in any proposed amendment of the Act he would emphasise the importance, especially with reference to planting, of arriving at a workable definition of "market value."

The Chairman :—Every one of these subjects will come up for discussion in Committee. We are only referring to them now because, as I said, we wish to get into touch with one another.

THE FOOD AND DRUGS ACT.

The Chairman in opening the discussion on this subject said :—"There is one question which has now come under the consideration of Parliament, namely, the amendment of the Food and Drugs Act of 1875 and the Margarine Act of 1877. I may mention for your information that for years past, ever since the Indian and Colonial Exhibition, there has been in existence in London a Sub-Association to look after the interests of the North Mysore Planters' Association. The Chairman of this Association is a Mr. Clifford, lately connected with *The Times*, and who, I believe, is interested in *The Times*, especially that part of it called the 'Weekly Edition.' " The Chairman here read the list of gentlemen composing

the original Committee of the Exhibition, and said that though that Committee was not entirely in existence now, it was held together to represent the Association in London and its numbers were added to by planters from North Mysore who had gone Home. Continuing he said: "Dr. Cameron, M.P. for Edinburgh, has proposed to bring in a Bill to amend these Acts and he thought it was possible to bring into this Bill clauses to affect the adulteration of coffee. You are all aware that at Home coffee can be adulterated in any quantity and with anything that dealers like to put in it so long as the label 'coffee mixture' appears on every packet sold. There is no doubt that in the present coffee mixtures there is a great quantity of deleterious matter. Mr. Clifford proposed that every packet of coffee mixture sold in future shall be distinctly marked as follows:—Coffee mixture containing $\frac{4}{5}$ coffee and $\frac{1}{5}$ chicory, or $\frac{3}{4}$ coffee and $\frac{1}{4}$ chicory, or $\frac{1}{2}$ coffee and $\frac{1}{2}$ chicory, or $\frac{1}{4}$ coffee and $\frac{3}{4}$ chicory, or $\frac{1}{5}$ coffee and $\frac{4}{5}$ chicory. It will thus be seen that chicory will be the only ingredient which will be allowed to enter into these coffee mixtures. When the Bill will come on for discussion I cannot say. It was ordered to be printed on the 17th February, and further proceedings with respect to it will, I suppose, depend upon how the Home Rule Bill passes through Parliament. I am led to believe that the Bill will be opposed as there is a great deal of opposition in the City to any legislation which may have for its object the limiting adulteration of coffee in any way, and Planters would be surprised to hear of the influence which is brought to bear on Members of Parliament to oppose any limitation to adulteration. It may be possible that getting tired of the Home Rule Bill, Parliament will proceed with this and other Bills; I have, however, heard nothing further. I am sure if this Bill is passed it will contribute largely to the sale of coffee from India."

Mr. W. Rhodes James (Nilgiris):—Are we to presume, Sir, that there will be no other adulterants used in coffee mixtures?

The Chairman:—Not by this Bill.

The subject was then referred to Committee.

FREIGHTS.

Mr. W. L. Edmiston (Nilgiris) having asked permission to make the question of Freights one for discussion in Conference said:—

GENTLEMEN,—As the question of Freights will come before the Conference in Committee, I will not go into figures just now; but generally speaking Freights from Calcutta range from 12 to 15 shillings a ton, from Colombo 10 shillings a ton, while from our Southern Ports 32 shillings a ton, at lowest, and

then by contract or twice the amount charged from Calcutta, and three times that from Colombo. This state of affairs seems to me very irregular and prohibitive. I will say no more at present beyond that it is eminently a subject to be discussed by the Conference. I may mention that I have written to the Indian Shipping and passage Co-operative Association, Sanawar, but have not received a reply. It may come, however, before the Conference closes, and if so, I shall be glad to put it before the Meeting.

The subject was referred to Committee.

THE GAME LAWS.

Mr. O. Scot Skirving said :—

MR. CHAIRMAN AND GENTLEMEN,—I rise rather to open the discussion and to elicit information from gentlemen better informed than myself, as to how matters with regard to this subject stand. In Mysore we applied to Government on this question some three years ago; the subject was discussed but nothing was definitely settled. Again, last year at the Dusserah, I brought the subject up and it was again discussed, but as on the former occasion nothing definite has been settled. I have heard it said that the Mysore Government do not like to do anything in the matter as a previous request was objected to by the Government of India. I should like to know from the delegate from the Nilgiris how the matter stands there, that may give us some clue with regard to Mysore.

Mr. W. L. Edmiston (Nilgiris) said he happened to be a Member of the Nilgiri Game Association, but at present a Memorial was being prepared for submission to Government, and he could not well give information about it; but if the Conference would let the matter take a later place in its proceedings he would telegraph to the Honorary Secretary of the Nilgiri Game Association for such papers as would enable him to give the fullest information.

Mr. R. K. Walker (Wynaad):—I should like to ask has it been decided that every District would like to have a Game Law. If a Game Law was passed with reference to the place in which I am now I would soon be driven out of the place.

Mr. H. Gompertz (Shevaroy). A copy of the proceedings has been sent me from which I see that ample provision has been made to protect the rights of owners.

Mr. Graham Anderson (South Mysore):—An Act for meeting the requirements of the situation has been drafted by the Government of Mysore, but has been kept in abeyance owing to certain objections having been raised by the Government of India relative to suggestions forwarded from

another quarter. The game in this Province has, in many places, been virtually exterminated, and unless some protection is promptly afforded, there will be very little game left to preserve. The use of nets, traps and other contrivances by wandering tribes such as Coramas, Gwolroos, Quarcheroos, &c., should be sternly prohibited, as well as the use of guns by persons who have no licenses, and pay no land taxes or municipal rates. The professional so-called shikari who shoots game for sale, does an immense amount of damage, as he makes no distinction between males and females, young or old. His object is simply to obtain meat for sale, and in season or out of season he persistently carries on his work of wholesale destruction. In many places where antelope, deer, and jungle sheep abounded only a few years ago, there is not one to be found now, and the lovely pea-fowl will soon become extinct if protective measures are any longer withheld. I am aware there are grave difficulties in the way of making effective arrangements, but all true sportsmen and the public alike must deplore the wanton destruction of the game of the country. The principal difficulties that exist are in connection with trespass and the rights of cultivators to protect their growing crops. Any arrangement that would tend to the introduction of the laws of trespass is to be most emphatically deprecated in an unenclosed country like India, and all reasonable rights and protection must assuredly be extended to all cultivators. The lines on which measures must be framed would appear to be the following:—

1. The institution of a close-time.
2. The strict preservation of the females of bison, sambur, deer, jungle sheep, antelope, &c.
3. The strict preservation of pea-fowl.
4. The use of nets, traps and other fixed contrivances to be prevented in every possible way.
5. The refusal of licenses to so-called professional shikaris.
6. A strict watch to be kept on all wandering tribes.
7. Re-arrangement of the scale of fees for licenses.

Mr. W. L. Edmiston (Nilgiris) read from the *South of India Observer* the Minutes of the last Meeting of the Nilgiri Game Association. The point at issue, he said, was what was the intention of the Government in introducing the word “young” into the Act. The danger was that Magistrates before whom breaches of the law came would construe “young” to mean a sucking calf. The Nilgiri Game Association meant that anything under 20 inches in a stag and 16 inches in a bison would be young.

• Mr. O. Scot Skirving:—We can discuss details when we go into the Committee but I should like this Conference to say that we, as a body of European and Native planters, deprecate

any delay in passing a Game Act, as such delay will lead to the extermination of certain species.

The Chairman:—I think it is the general opinion of this Conference that the Game Act should be taken up when we go into Committee.

CURRENCY.

Mr. Geo. Romilly (Wynaad) said:—It seems to me that the subject of Currency is of real importance as far as we are concerned. I am not prepared to make anything more than general remarks, for our Association has already recorded its opinion which has been endorsed by almost all the other Associations. I think, however, that when we go into Committee, this ought not to be overlooked because if silver continues to fall and Exchange rises, China Tea might drive Indian Tea from the London market.

THE FORMATION OF THE COMMITTEE.

The Chairman:—Gentlemen, we have now gone through all the questions referred to the Conference. You have discussed them all and every question raised is of importance to the general body of planters. I wish now to take the sense of the Meeting whether, having discussed all these questions, we should not now resolve ourselves into a Committee of Delegates duly appointed by individual Associations to attend this Meeting. The questions now raised will then be thoroughly threshed out, and we may be able to arrive at Resolutions which will be the unanimous decision of the delegates as to our future action. After we have discussed the matter in detail I propose to declare the Conference open and read to the general public what the delegates have decided in Committee.

Mr. T. Clarke (South Travancore):—We have not yet heard anything about the constitution and formation of a United Central Association. I wish to know whether this is one of the subjects to be decided in Committee.

The Chairman:—That is one of the chief objects of this Conference. It must be borne in mind that we are acting as a Conference. Our Resolutions must be given effect to by a body which will be representative of the whole. In my opinion that will be the foundation of the United Confederation of Planting Associations in South India.

Baron Von Rosenberg (Kannan Devan):—When will that point come up; at the end of the Committee?

The Chairman:—At the very end of my letter summoning the Conference, I said one of the subjects of discussion would be the formation of a representative Association in South India.

Baron Von Rosenberg:—You included it in the list of subjects for discussion and it ought to have come up for discussion to-day. You now propose to bring it before a Committee.

Mr. H. Gompertz (Shevaroy):—With regard to the question of the Conference going into Committee, I do not see the object of excluding the limited section of the community present or the Press. I think though we are going into Committee there should be no exclusion of any body.

Mr. W. L. Edmiston (Nilgiris): I propose the sense of the Meeting be taken as to the practicability of forming a large Central Association, because if a Central Association is to be formed, I think it would be as well for the proceedings of this Conference to become the proceedings of the Central Association and be entered in the archives thereof.

Mr. G. Martin (Coorg): I wish to know whether it is allowable to discuss in Committee any other question: there are several questions I should like to bring forward. For instance with regard to manures, a great deal of bones are being exported out of the country, and Sir Edward Buck has proposed to levy an export duty on this commodity to prevent exportation to such a large extent. Such a measure is of importance to the community, and I would like to know whether I might bring it up in Committee or before the Conference now.

The Chairman:—The safest plan for anyone wishing to bring any question before the Committee to mention it now and to go into details in Committee.

Mr. G. Martin (Coorg):—Mr. Chairman, I ask permission to bring forward the subject of manure especially with regard to the proposal of Sir Edward Buck to levy an export duty and would like also as a second question to deal with the measures to be taken for the extinction of borer.

Mr. T. Clarke (South Travancore):—Mr. Chairman, I think it would be more satisfactory if at the General Meeting now assembled, we discuss fully the formation of the Central Union and its organisation, for this is the main question on which we have met to-day, and when this is settled we can resolve ourselves into a Committee to consider the details. I would propose when the debate on the question arises that we should, if possible, bring ourselves into communication with other Associations in different parts of India to bring all Planters whether of coffee, tea or indigo into some sort of touch with each other so that on every subject with which we may have to deal we may go to Government with the whole weight of the agricultural English population in India. I think the

question of deciding on the form the union should take, should be settled before going into Committee.

Mr. George Romilly (Wynaad):—Mr. Chairman, I should like to explain my views, and the views of my Association on the subject. We were called to consider the answer of the Government of India to our Memorial on Act XIII of 1859. The other subjects are secondary matters which have cropped up since we were deputed; my colleague and I have also full power to discuss any other question which may arise and we are quite willing to discuss them, but the first thing before us is the answer of Government on Act XIII.

Baron Von Rosenberg (Kannan Devan):—I do not see how we can successfully discuss Act XIII unless we form ourselves into a united Association. That is what we should consider the most important question before the Meeting.

Mr. H. Gompertz (Shevaroy) read the letter of the Chairman convening the Meeting and pointed out that the subject of forming a united Association appeared at the very end of the letter. They were there primarily to discuss the answer of the Supreme Government to Act XIII which was the all-important question.

The Chairman:—Gentlemen, I place myself in your hands because I cannot give a decision in the matter. You have heard my letter read and that is the authority on which we have acted. When I first came down here the other day I was asked whether I had drawn up any Résolutions to submit to the Conference. As a matter of fact I had drawn out a set of Resolutions, but when I come to think over the matter, I felt, as I said before, that we were not in touch with one another, and actually did not know what opinions the delegates from the several districts would have on the various questions to be discussed. I had no intention of putting one subject before another. When I came to think over the various Resolutions, I considered that it was not my place to submit any cut-and-dried Resolutions to the Conference as you might disagree with them. Therefore when I was asked I said I would leave it to the Conference to decide what Resolutions should be passed. The Conference actually consists of a Chairman, Secretary and two delegates from each Association, but in order to get more effectually into touch one with another I considered it advisable on the first day, at all events, to throw open the Conference so that Members of all Associations could attend and speak on the several subjects. I have had long experience of Meetings and without wishing to give offence, I think it is quite likely that with fewer numbers, we can more quickly arrive at some Resolutions. I place myself however entirely

in your hands, and prefer not to act as Chairman but to take the opinion of the delegates specially deputed, if they are of opinion that the Committee stage should also be thrown open I will do so.

Mr. George Romilly (Wynaad) :—To assist the Chairman I propose :—That the discussion in Committee should be left to the delegates who were called, but that other Planters shall be allowed in, if they wish to attend, but they may not take part in the discussion or voting. The proposition was seconded by Mr. Martin (Coorg) and carried.

The Chairman further proposed, “That owing to the very large and important interests of Planters in Coorg, who, under the terms of the notice calling this Meeting are only represented by two delegates, Coorg be requested to add the names of two more gentlemen to their representation.

The proposal was duly seconded and carried.

The Conference at this stage resolved itself into Committee to consider Act XIII of 1859. Little, however, was done in the short time left prior to adjournment for the day.

SECOND DAY, *Tuesday, 29th August, 1893.*

ACT XIII OF 1859.

The Committee in accordance with the decision arrived at before adjourning the previous evening, met at 8 A. M. The discussion on Act XIII was practically commenced.

The Chairman in opening the discussion in Committee said that the discussion the previous day showed that the general consensus of opinion was that Government should be re-addressed on the matter of Act XIII of 1859 as apparently Government had failed utterly to realise the position that the former petition was a joint petition of the whole planting body of South India. If the Committee was of that opinion he thought the best thing they could do was to pass a Resolution representing that the Government had failed to realise the position set out in the last petition. It was utterly impossible to decide just then what would be the actual wording of the petition or letter; because if it was decided to present a petition there would have to be a body of men by whom the petition must be drawn up. They would therefore have to relegate their authority to a Sub-Committee. Whether that Sub-Committee would be the United Planters' Association would be decided afterwards. He thought, however, the details could be settled that day, they could, roughly speaking,

take the petition of the South Wynaad Association and recast it by taking the clauses therein contained and adding to them on the lines suggested by many of the speakers on the previous day. If they would allow him, he would take the petition, already presented, and read it.

The petition was accordingly read, clause by clause, by Mr. Romilly. An animated discussion followed, many of the delegates being of opinion that a fresh Memorial should be submitted, while others thought that the original petition of the South Wynaad Association should be re-submitted with a covering letter raising the fresh points which had arisen since the petition was presented. Several propositions and amendments were proposed but eventually the following proposition was proposed by Mr. G. R. Evans (Coorg).

“That a fresh Memorial would stultify and would give Government the opening in their reply to say that we do not seem to know exactly what we do want, and that in a year or so we will want something further, and I would suggest that the previous Memorial be submitted intact with the addition, on the letter forwarding the same, of one or two of the most important suggestions made by the several gentlemen now present to be drawn up by a Sub-Committee consisting of Mr. T. Clarke (South Travancore), Mr. Graham Anderson (South Mysore), Mr. G. Romilly (Wynaad) and Mr. W. R. James (Nilgiris).”—Carried.

The proposition was seconded by Mr. W. Rhodes James (Nilgiris).

The Chairman put the proposition to the vote which was duly carried, 12 delegates voting for and 7 against it. On the motion of Mr. Sprott, seconded by Mr. Colledge, the Conference adjourned for the day to enable the Sub-Committee to frame its Report.

THIRD DAY, *Wednesday, 30th August, 1893.*

On the Committee assembling at 11 A. M. the Chairman asked if the Sub-Committee appointed the previous evening were ready with the covering letter to the Wynaad petition on Act XIII entrusted to them the previous evening.

Mr. Graham Anderson informally read out the draft of the covering letter, the final reading and adopting of which was postponed till after lunch.

THE UNITED CENTRAL ASSOCIATION.

The Chairman:—Since meeting the delegates at this Conference, I am glad to find that there seems to be a general

consensus of opinion that a United Association should be formed representing the interests of all planters throughout every District of Southern India. Besides Act XIII and Extradition the more important questions to be discussed at this Conference, there are other questions of importance. We have now found from mutual intercourse one with the other, that in all questions our interests are identical and the possibility that such would be found to be the case was noticed in my circular letter advising the calling of this Conference, and in my opening remarks. Take the question of Currency alone, the recent action of Government in raising the value of silver to a fictitious value has greatly affected us in common with all producers of India. It is tantamount to imposing at one stroke of the pen a fresh tax amounting to some 12 to 15 per cent. on the industries we represent. I will not go into details—the subject will come up for discussion later—and if such an able man as Mr. Boyson, Chairman of the Madras Chamber of Commerce, declared at a recent Meeting it was a complex question requiring further experience and discussion I may also refrain from going into details. I only refer to the question of exchange now in view of the recent declaration coming from high official sources that under recent decisions there is nothing to prevent the Government of India raising the fictitious value of silver to even a higher rate, so it becomes of urgent necessity that as one result of this Conference we should combine in forming an Association representing all districts to guard our interests. To such an Association would be entrusted all our interests for of necessity such an authority would carry more weight than the correspondence of individual Associations working separately. From what I gather in conversation with individual delegates there are two distinct opinions the one that this Conference should continue, merely adjourning from time to time as necessity required. The other that an Association should be formed on the lines of the Ceylon Planters' Association. In order to facilitate discussion, I have roughly drafted out notes upon which to open discussion.

The Chairman then read the following notes :—

That this Conference of the United Associations of Southern India should be held annually in Bangalore during the month of August in each year.

That on the rising of this Conference it shall adjourn until August, 1894. That the Conference shall be constituted of two delegates from every Association but the Conference is open to every Member of such Association who may attend, and discuss the questions coming before the Conference, but final decision as to future actions of the Conference shall be decided only by delegates when sitting in Committee.

That the necessary expenses of such Conference for postages, telegrams, room in which the Meeting shall sit, printing proceedings shall be borne equally by every Association, or other industrial Association formed to advance and protect the interests of the Planting Community generally throughout Southern India.

That such Association should be named the United Planters' Association of Southern India.

That every Planters Association shall be Members of such United Association of Southern India.

That the United Association shall be managed by a Committee consisting of duly deputed delegates.

That the official headquarters of the U. P. A. shall be Bangalore where only Committee Meetings and Conferences may be held.

That at every Meeting whether of Committee or of the general body a Chairman shall be elected.

That the general business of the Association be conducted by an Honorary Secretary who shall have under him a paid Secretary, whose whole time may, under directions of the Honorary Secretary, be devoted to carrying out the clerical work of the Association.

That to cover the expenses of such paid Secretary—and for office expenses, it is estimated a sum of Rs. 2,400 and that each Association should from its general funds, contribute annually Rs.——

That the Honorary Secretary should be elected annually by the Conference sitting in Committee.

In accordance with the foregoing propositions, I suggest the name of Mr. George Romilly, as the first Honorary Secretary of the U. A. Southern India.

These Resolutions I have roughly drafted and submit for discussion now. To save time and limit independent discussion I must ask you to allow me to control individuals as to the number of times they speak on any Resolution. I propose, therefore, that every delegate may have the option of once stating his opinion on a proposal and the right of reply, and that no delegate be allowed to speak more than twice.

Mr. J. G. Hamilton (South Mysore):—Mr. Chairman and Gentlemen,—As is pretty well known I have long been in favour of the formation of a Central Association, because, I think such an Association necessary to complete our organisation and bring us into closer touch with one another. I think a glance at the work for the past few years will show the want of greater facility for inter-communication between the various Associations. It is ne-

cessary, therefore, to have a recognised head with a paid Secretary to collect and distribute statistics and general information, and also on our accounts to conduct correspondence with the various Governments. It appears to me that the present method of obtaining the views of the different Associations on various subjects such as those which have arisen recently is cumbersome, slow, and unsatisfactory, and to my mind, an Annual Conference without an organised Committee and head is little or no better. For the satisfactory conduct of such meetings, there must be a large amount of preliminary correspondence and enquiry, such as has fallen on Mr. Brett and his Secretary, and there will be ample employment together with his other duties for a paid Secretary. Some years ago when it was proposed to appoint a paid Secretary the proposal was opposed because it was argued that after the work at that time on hand was finished there would be nothing for him to do. I must protest against the introduction of any such mischievous idea; because we can never tell what will crop up and we must be always ready for any emergency. With regard to the finances, I hope no attempt will be made to cut expenses down to an unreasonable extent. It is very important that funds should be provided and, speaking for ourselves, I can only say that we are prepared to provide our fair share of the necessary expenses.

Mr. W. Rhodes James (Nilgiris):—Mr. Chairman and Gentlemen,—The only objection to such a course, appears to me to be that we have no previous experience to go upon which is necessary for the formation of such an Association which in the initial stage must be expensive. While I am certain that a paid Secretary is unquestionably necessary, as he may serve in case of Annual Conferences as well on the Central Association, I am of opinion that in view of the present want of experience, we should postpone our decision as to whether we should have a Central United Association or an Annual Conference until the next Conference, when we will have the experience of the past to go upon.

Mr. T. Clarke (South Travancore):—Mr. Chairman and Gentlemen,—I think from what I have heard outside, and from the remarks of the delegates who have already spoken, I may infer that there is likely to be a vote taken on the question, whether the result of this Conference is to be a United Association permanently established and organised or an Annual Conference. Mr. Brett has sketched out the idea of an organised Association, and I think as the debate proceeds it will be found that the two ideas diverge more and more and that we shall be able to draw a plain line of distinction between the two plans, on one side being the Annual Conference and on the other the organised Association. I myself feel very strongly in favour of an organised Association, but the Travancore Association has not yet had an oppor-

tunity of considering the expenses and other details of the proposed scheme, and I imagine that the opinions of other delegates as well as my own, will have to be individual opinions rather than the authoritative decision of our respective Associations. This is the position in which I find myself, but for all that, I do not feel myself justified in holding my tongue because I don't feel I can put down my name to a binding agreement on the part of the Travancore Association, until the matter has come before the General Meeting of the Association. Reserving that point, therefore, I speak my own opinion and I fancy the answer of my Association will not diverge very far from the opinion I give. As I said, I feel very strongly in favour of an organised Association, and I will give you two reasons. I have had some experience of meetings of planters—others will agree with me and their agreement will increase in strength in proportion to the number of years' experience they have had of Planters' Associations—and I know that the interest of members in Association Meetings waxes and wanes; there is a time of full moon and a time of new moon. During the full moon phase we shall have full meetings, energetic action, meetings regularly held and all Associations ready to send delegates and ready to co-operate in anything. In the new moon phase we shall have empty chairs, a difficulty in getting the Conference together at all, no business to carry through, the Secretary and Chairman simply doing nothing. If the movement depends on an Annual Conference it will certainly have a time of waning; the Conference will drop, the whole subject will be forgotten, possibly to be revived again, possibly not. If, on the other hand, we have an organised Association and an annual election of delegates from the various Associations, if we have office-bearers, a paid Secretary and an Honorary Secretary, the mere fact of the office-bearers continuing in office and having somehow or other to justify their existence, will keep business going. It may be business of importance, it may be trifling details, but at any rate, business will be kept going and the organisation will be ready to come to the front at any moment, when an important subject does arise. That is one reason in favour of a United Association which outweighs all reasons brought against it. There is one other reason which I shall mention, though, it will come up, I think more distinctly in the subsequent proceedings, and that is the question of Exchange. We have been told by you, Sir, that the Coorg Association met with what we may call, a rebuff from H. E. the Viceroy for offering an opinion on the question of Exchange. Now, Sir, the question of Exchange, as at present dealt with by the Government of India, is being dealt with in the interests of the paid officials, office-bearers and servants of the Government, people who are well able to speak for themselves, and do speak for themselves. The views that we planters shall express are the views that would be expressed by the silent millions of India if

they had a voice, and an organisation such as the organised Association of Planters will form ; and that view is one that will go on growing in importance as the question of exchange comes into the more critical stages of its existence. These are two reasons, and there are many others which will suggest themselves to other delegates, why the United Association should have a permanent organisation. As I said before I feel that the sketch, &c., you gave for our organisation, is one which I should support myself, but I should like to have an opportunity of laying it before a General Meeting of the Travancore Planters' Association, and getting a definite opinion on many of the details. I do not exactly see how any decision of this Meeting can be carried out in detail when there are, as I suppose, other delegates who would like to have the confirmation of their Associations to anything that is done. I have no doubt that a way will be found out of the difficulty. I am perfectly willing to accept the suggested organisation you have given us, but I should like before giving my actual adherence as a Delegate to call my Association together and get their consent. (Cheers.)

Mr. George Romilly (Wynaad):—I think I may say that I agree almost entirely with every word that has fallen from Mr. Clarke. I am also like him, speaking as an individual and not as a representative of an Association. No gentleman who has already addressed the Meeting has alluded at all to the working of the United Association, I mean as to its Meetings. To my mind, not being a millionaire planter but one struggling for independence, it would be a tax to come once a year even to Bangalore for Committee, but if we are asked to come four times a year I don't think you will ever get a Committee. I think, therefore, a scheme should be drawn up and some definite Resolution passed here, which we can take back to our respective Associations and submit to them.

The Chairman :—I should like you particularly to bear in mind that my proposals are only a rough sketch, which after you have discussed the question, and proposed a Resolution, should be re-drafted according to the general opinion of the Meeting.

Mr. Romilly :—The only thing I do not agree with in what Mr. Clarke said, was with respect to an Honorary Secretary and a paid Secretary. You cannot expect to get an Honorary Secretary with sufficient public spirit to be in attendance as well as a paid Secretary. I think we could get a man—I have such a man in my mind's eye—who, though no longer a planter, is still interested in planting matters, resident in Madras to take up, for a small salary as a subsidiary matter, the Secretaryship of our Association. I do

Mr. Milne (Nelliampathies) :—Mr. Chairman, I rise to say that our Association will not be able to run to the cost of a paid Secretary. There are only 22 estates, of which nine belong to Europeans, half of whom are Scotchmen (laughter.)

Mr. Lambert (Coorg) :—Mr. Chairman, on behalf of Coorg I have much pleasure in stating that we, as delegates, agree with the remarks made by Messrs. Clarke and Romilly, and would be glad to join the combined Association. I do not, however, feel inclined to consent to do so in the name of the other members, though I have, no doubt, when the scheme is finally drawn up, and has been discussed by them, they will be prepared to join.

Mr. Gompertz (Shevaroy) :—After talking over the matter with my brother delegates before the discussion commenced I concluded that if it was decided to form a United Association I would not pledge my own Association to join without submitting the question to them, at the same time I am personally in favour of an Annual Conference and to that extent I am justified in pledging my own Association to join. There is no doubt whether we have a United Association or merely an Annual Conference, we must keep up the permanence of the Institution and one way of doing that would be by a permanent Secretary. I do not think it likely that we will be able to get a man to devote the whole of his time to our business, but we ought to get some influential man not connected with our Association but outside it to take up the post as Mr. Romilly has suggested for a small consideration, at the same time having a paid Secretary I do not see the use of having an Honorary Secretary. One other point occurs to me and that is, speaking for myself, I am strongly in favour of holding the Annual Conference in Bangalore at some time when we are able to devote ourselves more exclusively to business than we were this week. It seems to me that the Races are certainly a hindrance to business (no, no) and we should be much better off if we had the Meetings at such a time that we could not be interfered with by outside amusements. Gentlemen say no, but there is no doubt of the fact. I do not wish to interfere with the amusement of any one; many people would in any case come to the races and can't come to Bangalore twice in the year, so it is a good thing to run the Conference and the races together. But we know exactly when the races come on and I would suggest that as they begin on a Saturday, the Conference should meet on the preceding Monday; then we could finish our business before the races begin and those delegates who wished to see the races—I might very likely do so myself—could stay for them at their own expense and not at the expense of their Associations. All I object to is allowing pleasure to interfere with business.

Baron Von Rosenberg (Kanan Devan) :—I think all the speeches that have been made tend to show that we are not in a

position to form an Association because we have to refer to our respective Associations. Therefore, Mr. James's proposals seems worthy of acceptance, namely, that for the present we should not have an Association, but that when the next Conference has met the question be settled, when we can come fully empowered to deal with the matter, which at present we are not.

Mr. Graham Anderson (South Mysore) :—I am in a position, as far as our Association is concerned, to agree to anything the delegates see fit to arrange, but I must say personally, and I feel certain that the South Mysore Association will endorse my opinion, that it is of the greatest importance to have a permanent Association and not merely an annual Conference. A permanent institution is necessary to represent all the Associations, and all matters of collective interest being transferred from the local Associations would tend to encourage a full attendance at all Meetings of the United Planters' Associations which would not be the case at a Conference. I have only one other suggestion to make with a view to obtaining better attendance at all Annual Meetings, and I would propose that in view of its being imperative on the Presidents and Secretaries of Associations to attend it should be arranged that special delegates should be appointed.

Mr. Romilly (Wynaad) said :—With respect to the question of funds, they came to the same difficulty, he could not bind his Association to provide funds.

Mr. Clarke (South Travancore) said he would not bind his Association to give Rs. 200 but he could ask if it was willing, by letter, without calling a General Meeting. He would suggest an alternative method of carrying on the business during the year and that would be by an Honorary Secretary with an allowance of Rs. 50 a month for office expenses. He might almost answer the purpose of a paid Secretary on Rs. 150. He would, however, prefer a paid Secretary.

Mr. Romilly suggested that he should telegraph to the gentleman he thought of and enquire if he would take the post on Rs. 100 a month. They could get an answer and decide the question in little or no time. A small sum like Rs. 100, he thought, they could guarantee personally without referring to their Associations. At the request of the Chairman he mentioned that the name of the gentleman he referred to was Mr. G. L. Yonge. The delegates unanimously guaranteed to pay their share of this gentleman's salary.

Mr. W. Rhodes James (Nilgiris) :—Accordingly proposed and Mr. Edmiston (Nilgiris) seconded. "That a paid Secretary be appointed to act for the Planting Associations of South India during the coming year or for such part of it as may be necessary in con-

nection with the President of this Conference and the Secretaries of the Associations and that Rs. 100 be offered him per mensem during the required period, and that the members of this Conference personally guarantee this payment; and that the decision as to the formation of a head Association be postponed until the next Conference."

The proposition was carried unanimously.

Mr. Romilly proposed and Mr. Lambert seconded that Mr. G. L. Yonge be telegraphed to, to enquire if he would accept the post of Secretary. The proposal was carried.

The Chairman again read out the rough draft of the proposed constitution of the United Association.

Mr. Sprott (Coorg) proposed and Mr. H. G. Gompertz seconded that a Sub-Committee consisting of Mr. Brett (Chairman), Mr. Edmiston, Mr. Lambert and Mr. Hamilton be requested to draw up short rules for the formation of a United Association for the whole of South India to be submitted to the Conference for final approval.

The proposal was carried unanimously.

EXTRADITION.

Before the Committee adjourned for luncheon Mr. T. Clarke (South Travancore) read out the draft of a Resolution and statement he had prepared on the question of Extradition.

On re-assembling after luncheon the Chairman said it had been suggested that he should state in what order he proposed to bring up the subjects for discussion. Act XIII, the United Association and Extradition had already been dealt with, as to the two last the Sub-Committee, appointed had to bring in their proposals, the remaining subjects would be dealt with in the following order :—

- (1.) The Coffee Stealing Act.
- (2.) Representation on the Council.
- (3.) The Land Acquisition Act.
- (4.) Registration of Maistries.
- (5.) Currency.
- (6.) Food and Drugs Act.
- (7.) Manures.
- (8.) Extinction of Borar.
- (9.) Freights.
- (10.) Cattle Trespass.

ACT XIII OF 1859.

Mr. Graham Anderson read the final draft of the covering letter drawn up by the Sub-Committee appointed on Act XIII of 1859.

Mr. Walker (Wynaad) proposed and Mr. Srinivasa Row (North Mysore Native) seconded "That the able letter which the Sub-Committee have written be adopted and signed by the Chairman of this Conference and forwarded to the Government of Madras; also that the hearty thanks of this meeting be tendered to the Sub-Committee for their arduous labours." The proposition was carried unanimously.

THE CENTRAL UNITED ASSOCIATION.

The following rules drawn up by the Sub-Committee appointed for that purpose were adopted and ordered to be printed for circulation among the delegates.

Proposed Constitution and Formation of a Central Planters' Association.

1. That an Association be formed to advance and protect the interests of the planting community in Southern India.

2. That such Association shall be called the Planters' Association of Southern India.

3. That every recognised Planters' Association in Southern India may join this Association on payment of a rateable subscription to the general funds of the Association.

4. The approximate requirements will be about Rs. 2,400 a year of which the following Associations shall contribute Rs. 255 each :—The North Mysore Planters' Association, the South Mysore Planters' Association, the Coorg Planters' Association, the Wynaad Planters' Association, the Nilgiri Planters' Association, the Native Planters' Association of North Mysore and the Native Planters' Association of South Mysore. The following Associations shall contribute Rs. 155 each :—The Kanan Devan Planters' Association and the Travancore Planters' Association. The following Rs. 105 each :—The Peermaad Planters' Association, the Shevaroy Planters' Association, and the Nelliampathy Planters' Society.

5. The Official Head-Quarters of the Association shall be at Bangalore where only meetings shall be held.

6. The general business of the Association shall be managed by a Chairman to be appointed at each meeting and to hold office until the next meeting, assisted by a paid Secretary and a Committee consisting of the Chairmen or Honorary Secretaries of various Associations, but all meetings shall only be attended by a specially elected delegate from each Association and all Conference by two such delegates.

7. The Annual General Meeting shall be held at Bangalore during the month of August in each year at which a Report of the business of the past year and the accounts of the Association shall be submitted by the Secretary.

8. At all meetings seven members representing different Associations shall form a quorum.

9. At all meetings Associations shall vote in proportion to the subscriptions paid, viz :—

Subscribers of Rs. 100 shall have 2 votes each.

Do.	150	„	3	„
Do.	250	„	5	„

10. At meetings proxies shall be allowed, which must be in writing and properly stamped, and the subjects for which the proxies are given shall be fully stated.

11. By-laws for the conduct of meetings shall be drawn up by the Chairman and Committee.

EXTRADITION.

Mr. Clarke (South Travancore) explained that he was not quite prepared with the statement on Extradition. The delegates had, however, heard the Resolution he had drafted read.

The Chairman :—I agree with the Resolution Mr. Clarke had drawn up as far as my Association is concerned and I have, no doubt, the South Mysore Association will agree with it too, but I think, it would give the Resolution more weight if we ask the Mysore Government to approve as well. His Highness the Maharajah told me yesterday that he had submitted the whole question to the Supreme Government but had met with the same refusal, the Government of India had given before. The proposal now before the Conference brings in an entirely new way of solving the question and I think we should ask for the support of His Highness' Government to that Resolution.

Mr. Graham Anderson (South Mysore) :—Mr. Chairman, you and I, Sir, have both to attend the Representative Assembly and with the permission of the Conference, if we have a copy of the Resolution and statement we will then be able to support them most thoroughly.

The Resolution was unanimously supported by all the delegates concerned and when the statement was drawn up it was agreed that the subject would be complete.

THE COFFEE STEALING ACT.

Mr. W. L. Edmiston (Nilgiris) read again the letter received from the Private Secretary to the Governor and said it was unnecessary to repeat what he said on the opening day.

It was proposed by Mr. W. L. Edmiston and seconded by Mr. Walker (Wynaad): "That this Conference especially request that the Government give its favourable consideration to the petition of the Nilgiri Planters' Associations for the amendment of the Coffee Stealing Prevention Act and the extension of its protection

Mr. Milne (Nelliampathies) proposed and Mr. G. Romilly (Wynaad) seconded "That this Conference is of opinion that the provisions of the Coffee Stealing Act be extended to the Cochin State and the Palghat District of Malabar." Carried. This proposition was also carried.

The Chairman :—Discussion is then reserved pending the consideration of the Act by the Legislative Council of the Madras Government.

REPRESENTATION ON THE COUNCILS.

The Chairman :—Does any delegates wish to make any remarks on the necessity of a Planting Member on the Council of Fort St. George.

Mr. Geo. Romilly (Wynaad) moved and Mr. Srinivasa Row (North Mysore Native) seconded :—"That in the opinion of this Conference, considering the vast interest Planters have at stake in the country, they should be directly represented on the Councils of the Madras, Mysore and Travancore." The proposition was unanimously carried. It was further resolved, on the motion of Mr. Sprott, seconded by Mr. Romilly, "That the President of this Conference be asked to place himself in communication with the Planting-Member of Council on the Supreme Legislative Council, with a view to secure his co-operation in all questions dealing with the Planting Communities of Southern India, and that a copy of the proceedings of this Conference be forwarded to him for information."

The motion was carried. The Conference at this stage adjourned for the day.

FOURTH DAY, *Thursday*, 31st August, 1893.

EXTRADITION.

The Committee assembled at 11 A. M. when Mr. T. Clarke (South Travancore) presented his final Memorandum and Resolution on Extradition. He said it would have been difficult to bring the whole subject within the compass of a Resolution. He therefore thought the Resolution might be curtailed as much as possible and that the Memorial should give more or less the arguments which the Conference put forward on the question. This was the course which he had adopted and he thought from what had been previously said on the subject, it was this course of action the Conference had agreed upon.

The Chairman:—"Covering letter" would it not be rather than "Memorial."

Mr. Clarke:—The final clause of the covering letter on Act XIII of 1859 read yesterday referred to it as a "Memorial." The remarks I will now read, however, have not been given the form of a Memorial or a letter. I thought it better to leave it to the Secretary when the document comes to be used to put in the necessary formalities.

Mr. Clarke then read the Memorandum which he had prepared. At the conclusion of the reading of the document, he said: "This, Sir, is a sort of commentary on the Resolution I propose to move for the adoption of the Conference. The question of extradition is not a subject which can be taken up and disposed of in a moment. I have devoted a considerable amount of time to it, and I honestly believe that this is a solution of the difficulty in which we find ourselves. I shall gladly welcome any criticisms and improvement on the details of the Memorandum I have drawn up, but at the same time I am prepared to defend the principle because I think it is the best thing that can be done. I shall not now anticipate objections, but if objections are raised against the Memorandum as a whole I think there are other delegates as well as myself who are prepared to defend the principle of the thing.

Mr. Graham Anderson (South Mysore):—

MR. CHAIRMAN, AND GENTLEMEN,—I feel that it is quite unnecessary to make any set speech on this occasion as I most completely endorse every word and sentence of Mr. Clarke's excellent Memorandum. It is a difficult subject and one of such grave importance that I can safely say that if something is not done and done quickly with regard to Extradition, any improvement which the Conference by its labours may obtain in Act XIII will be inadequate unless reciprocal action is extended. I personally have been engaged in endeavouring to bring the matter to the notice of the Government of Mysore for the last 20 or 25 years, and I can only assure the members of the Conference that it is not from a want of sympathy on the part of that Government that my labours have not met with success. I am quite sure that when Mr. Clarke's Memorandum is read by the representatives of the Durbar they will be extremely grateful to him for having placed the subject so clearly on paper. I feel that Mr. Clarke should be tendered the best thanks of every planter in Mysore for the skilful and systematic manner in which he has framed his proposals. I most cordially endorse all that he has said and I beg to propose that his Memorandum be accepted in its entirety and that the Resolution he has drawn up may receive the

The Chairman.—On behalf of the North Mysore Planters' Association I have nothing to add to what has already been said by Mr. Clarke and Mr. Graham Anderson. I thoroughly endorse every word that has fallen from Mr. Graham Anderson and heartily second his vote of thanks to Mr. Clarke. I think from his suggestion some good result is bound to accrue to Planters in Native States and I would only add the suggestion that on the despatch of the Memorial to the Madras Council copies should be sent at once to the Native States of Mysore, Travancore and Cochin. Mr. Milne (Nelliampathies) :—I endorse all that Mr. Graham Anderson and the Chairman have said, and I think that every Association in British territory should give us their support.

Mr. Clarke then moved formally :—“That this Conference shall present to the Government of India, through the Government of Madras, a statement of the position of disadvantage in which some planting communities find themselves placed by the exclusion of Act XIII from the provisions of Extradition, and an explanation of the system of Special Magistrates by which as an alternative to a general concession of extradition it is thought that relief may be given to the districts concerned praying that the Madras Government will take the matter into its careful consideration and if possible take such action as shall afford the desired relief.” The proposition was seconded by Mr. Graham Anderson, and carried unanimously.

REGISTRATION OF MAISTRIES.

Mr. W. L. Edmiston (Nīlgiris) in opening the discussion on the proposed scheme for the registration of maistries said the subject was one which was generally allowed by all planters to be very important. He read the scheme for the Registration of maistries (see Appendix.) Continuing he said his Association had lately found that they could not enforce voluntary registration of maistries and they now proposed that they should petition Government to make registration compulsory. If a man was engaged to bring labour, he would have in terms of the scheme to go before the taluq officer and register himself and his contract. It was hoped that this registration would act more as a deterrent than anything, and would also enable, in case to default, the defaulter to be got at. His idea was that registration would act simply as the right hand of Act XIII. Certain modifications had been suggested by his Association but these had since been withdrawn because it had been suggested by the Collector that the scheme would unduly increase the amount of work devolving on subordinate officers. He therefore proposed the following Resolution.—“That in view of the inability of the Planting Associations themselves to enforce registration of maistries and also of the fact without universal adoption the scheme cannot be carried out, this

tration compulsory on all maistries by a legal enactment ; the term maistry being understood to refer to a man who contracts to bring coolies to do ordinary routine work of estates in contradistinction to any special work undertaken by a contractor."

Mr. Martin (Coorg):—I have much pleasure in seconding Mr. Edmiston's Resolution and I may state that several years ago the Coorg Planters' Association started a scheme of voluntary registration. We got so far as to get Sir Dennis FitzPatrick to order the amildar to register and draw up a form ; it was also proposed to charge a registration fee of Rs. 3. As far as I know the scheme was not taken advantage of, and I therefore think that unless we can get some scheme of compulsory registration I do not think we can succeed in thus registering our maistries.

Mr. Lechler (Shevaroy):—May I ask Mr. Romilly if there was a system of voluntary registration in the Wynaad. Some time ago it was ordered that the experiment should be conducted for two years and should then be reported on.

Mr. Romilly (Wynaad):—That is so ; we do register maistries, but I do not know what Report has been submitted to Government on the matter.

Mr. Rhodes James (Nilgiris):—With regard to voluntary registration of maistries there is no doubt that Government instituted a voluntary system to be tried for two years. After that period when a Report was called for on the subject it was found that in our District only two maistries had availed themselves of the provision. Voluntary registration therefore, it must be admitted, is out of the question, and unless it is made compulsory there is no hope of the scheme being taken up.

Mr. G. R. Evans (Coorg):—I don't see why there should be any difficulty in making a maistry take out a license like any other tradesman.

Mr. G. Romilly (Wynaad):—On behalf of our Association I entirely agree with Mr. Edmiston's proposal and think that registration ought to be made compulsory.

Mr. T. Clarke (South Travancore):—On behalf of Travancore I fully agree with the system of compulsory registration, but I would suggest that the Conference should go into the subject and find out the simplest way of carrying it through. For instance supposing there was a sort of stamp license for maistries without which a defence would not be acceptable in a Court of law. If we could hit upon some simple way of carrying it through it strikes me we would have more chance of succeeding in our application to Government. I fully agree in all that has been said as to the necessity of there being a Government-imposed compulsory registration.

Mr. J. G. Hamilton (South Mysore) said that he thought the system of licensing maistries was worthy of consideration and he would ask Mr. Edmiston if it was necessary to register every contract or whether the possession of a license would be sufficient.

Mr. Edmiston said that the idea of his Association was that a maistry might be able to build up for himself a record character which would at any time enable him to find employment and would give the honest and true fulfiller of his engagements a great pull over men who were slow in or neglected entirely performing their contract. That was why he suggested that every individual contract should be registered.

Mr. Graham Anderson said:—I strongly support the system of the registration of maistries, but until the extradition laws are equitably adjusted the only labourers who are available for supplying the deficiency in the number necessary for maintaining the cultivation of coffee in a state of efficiency are those who reside near the frontier and who are now being gradually attracted to estates in British territory. Unless extradition facilities are of a reciprocal nature the Planters in Mysore cannot hope to participate fully in the benefits of the system and must remain in the anomalous position consequent on their being unable to obtain labourers from British territory owing to the fact that although British processes are accorded every possible facility for execution in this province, the warrants issued from Mysore Courts are entirely imperative beyond the frontier. The state of the law as now existing encourages labourers who are at present under advance to go across the frontier to avoid their local obligations.

The Chairman,—I would like to endorse the opinions of Mr. Graham Anderson; except that in this matter, of registration, I think that as far as our own labour is concerned in Mysore, registration would be of great use to us even in local dealings with coolies. If brought into force among our labour it would give us great facilities, supposing a new maistry came and applied for work, to enquire into his character, where he came from, what village, under what Amildar's jurisdiction. He is bound to give us that information when we can at once write to the District and obtain any information regarding the man; whether he had received any advances, and in the event of his having under his former engagement received one and not producing the labour, the reason why he did not do so. This, I think, would put a stop in a great degree to what I must say is a cause of complaint among us individually of what I may call crimping maistries from one estate to another. I will take a case; supposing I have a maistry who has proved a fairly smart man and has acquired a certain control over the labourers, another planter might say 'a smart

chap that whom Brett has got, he gives him only Rs. 300, I will give him Rs. 600.' So long, however, as the maistry is in receipt of an advance from me, the man who offers an additional sum cannot get him and I do not release the man until he is perfectly clear. So I do think that even with regard to our own local labour—and I have had 15 years' experience in coffee—compulsory registration would be an advantage. Some 13 years ago when we first started a Coffee Planters' Association, I had this idea in my mind and tried to get the men to voluntarily register themselves. A large number did do so, but as Koppa increased and more maistries were taken on either from the villages or from among the coolies, the large increase in the number of estates, entailed such a lot of clerical work that I allowed the matter to drop. But to summarise what I have said, I certainly think on behalf of the North Mysore Planters' Association, compulsory registration will be of use to us, and I therefore support the proposal made by Mr. Edmiston (Nilgiris).

Mr. H. Gompertz (Shevaroy) pointed out that a system of registration would not merely act as a preventive of crimping amongst planters in the same District; but it would also put a stop to a man taking an advance from a planter in Native territory and another from a planter in British territory; because he would have to produce his book and no planter who found the maistry indebted to another planter would entertain his services; if he did he should be reported to his Association who might be trusted to set the matter right.

Mr. Milne (Nelliampathies):—I am quite ready to vote for registration, but with respect to your remark, Mr. Chairman, might not Government rightly say that such service was akin to slavery in that you prevent a man from bettering himself by going to another estate.

Mr. W. Rhodes James (Nilgiris):—A maistry is at perfect liberty to go to another employer as soon as his contract is ended.

Baron Von Rosenberg (Kanan Devan):—I cordially agree with the proposal because in our District coolies have to pass along the road which leads to Perriyar, and from there the Government maistries come down and persuade the coolies coming up with our maistries to go to work on the project where they will get a higher rate of pay. If our maistries could show that they had registered their men in a Government registry office the Government maistries would not dare to interfere with them, and the proposal was accordingly put to the vote and carried unanimously.

THE LAND ACQUISITION ACT.

The next subject on the agenda paper was the Land Acquisition Act.

Mr. Rhodes James (Nilgiris) in introducing the subject said:—I think all the delegates must be aware that a petition on the subject was drawn up some time last year and circulated to the other Associations and had practically been endorsed by them. The petition had been sent up to Government and was now under consideration. The only point on which a more forcible statement might be made to Government was with regard to “market value.” But as the matter is before a Special Committee I would deprecate much discussion on the subject in Conference. We are all familiar with the petition and I would therefore move the following proposition:—

“That this Conference emphatically endorses the Memorial sent in by the Nilgiri Planters’ Association on the subject of the Land Acquisition Act and that Government be respectfully requested to give their kind and careful consideration to the Amendment Bill and more especially with regard to the definition of ‘market value,’ the non-defining of which leaves the Act open to very varied interpretations on this point.”

Mr. J. G. Hamilton (South Mysore) seconded the proposition which was carried unanimously.

CURRENCY AND FINANCES.

Mr. Geo. Romilly (Wynaad) proposed the following Resolution:—

“That this Conference places on record its unanimous opinion that any legislation which raises the value of the rupee in India above its natural value in silver, places all producers in this country at a disadvantage with those of other silver-using countries, and in consequence strikes a blow at the export trade and prosperity of the Indian Empire.”

The proposition was formally seconded by Mr. G. R. Evans (Coorg.)

Mr. T. Clarke (South Travancore):—

MR. CHAIRMAN AND GENTLEMEN,—I should like to say a few words on the question. I feel myself, and I have no doubt that every other Member of this Conference feels the same, that a sort of double responsibility rests on us in discussing the subject of currency. In the first place it is a difficult subject and we shall lay ourselves open to the retort that “fools rush in where angels fear to tread.” On the other hand, in what we say here to-day we shall be giving articulate utterance to the cry of millions of the inhabitants of India, who if they had the brains and the education to understand the question,

would feel as we do ; and if they could give expression to their views, it would be with a voice that would utterly forbid the action the governing body in India is now taking with respect to the question of currency. It is with great diffidence I say these few words because there are many gentlemen here who are far more able to express their opinions clearly on the subject than I am ; but, at the same time, I think it is my bounden duty to say what I think. There is no doubt whatever that the present action of the Government is in the direction of fixing an arbitrary ratio between gold and silver as opposed to the natural ratio which is regulated by the laws of supply and demand. The establishment of an arbitrary ratio is an idea which lies deep in the heart of every employé of Government, and we can all sympathise with them, because they have to remit home considerable sums of money, and the loss on these remittances increases yearly, until it becomes a question with them, whether it is advisable to stay on in the country, and receive a salary of which so large a part is lost in exchange on remittances. We can fully sympathise with these difficulties, but at the same time we feel that the difficulties should not influence so important a matter as the system of currency. We for our part raise a large amount of produce. The produce we ship holds a considerable place in the list of exports, but is by no means the most important produce of the country. Unfortunately the persons who are the producers of the bulk of produce have not the opportunity of speaking their opinion which we have. This brings on us the responsibility of not remaining altogether silent on the subject. To us it matters greatly whether exchange is high or low, but if we, with the body of producers behind us, were able to influence the authorities to take measures to fix an arbitrary ratio between silver and gold in the direction of a lower exchange, we should raise a storm about our ears. Yet we have the employés of Government doing the same thing in the opposite direction, that is, taking measures to fix an arbitrary ratio in the direction of a higher exchange. Such action ought not to be allowed to pass in silence by the only producers who have a voice and therefore I say we should decidedly support Mr. Romilly's proposal. I may point out with respect to the petition that the excuse the Government of India gave for placing a fictitious value on the rupee was that otherwise they must have resorted to direct taxation. But such taxation would have been borne equally by all India. Whereas the action of Government is to place an immediate tax on producers only who selling in London receive 13 per cent. less at once for their Bills on London. We bear the tax, Government employés benefit. Is this fair ?

Baron Von Rosenberg (Kanan Devan) contributed the following speech, on the question of Finances which, on the motion of the Chairman, it was agreed should be printed and incorporated in the proceedings of the Conference:—

MR. CHAIRMAN AND GENTLEMEN,—I believe I am right in saying that you stated that questions financial would come under the heading of or might at all events be discussed together with “currency.” I would therefore here shortly go into the financial question which has already formed the subject of a letter from me to the Honorary Secretary of your Association. I refer to the possibility of united action of planters or a large number of them with regard to financing their estates. With the lakhs upon lakhs of rupees which the planters have to deal with it seems to me that a scheme might be organised by which a part of the profits on the financial transactions which now help to swell the large dividends of Banks in this country, would be returned to the planters’ pockets. Perhaps such scheme should as a tentative measure in the first place take the form of planters uniting and working their business through one bank alone. By this means better terms would, no doubt, be obtained, then the single planter obtains, who does his financing through this or that bank and is not himself a very important customer. Then though perhaps in a somewhat remote future a scheme might be developed to form a Planters’ Bank which should do the planters’ financing business only and would do its constituents’ business at the lowest possible rate. Under either of the above schemes, I believe the planter would gain in his ordinary and current financing. He might further be enabled to raise money on good security either for extending his estates or for keeping them up during an unremunerative season, at a lower rate than he now has to pay if he borrows money. By such *united* action, I believe he could be placed in a position to *individually* obtain loans at 5 or 6 per cent. for which he now pays 9 to 12 per cent. I need not go into the question of how many a planter would have been and would in the future be, saved from great loss in many cases from ruin, if he could in times of stress obtain loans at a comparatively low rate—it is too patent a case and instances to the point must recur to every one of you. Nor do I now propose to take up the time of the Meeting by going into details or making any proposition with a view to present discussion. What I would ask you to do is to give the question your full attention, you and your Associations, so that a conclusion may be arrived at the next Conference, at which I purpose bringing it before you again for full and ripe discussion. Some such scheme, as I have referred to, may prove feasible and it may not. But the question is of such importance to the planting community especially in view of the probable rise in exchange, that I commend it merits your thoughtful attention and I venture to hope that difficulties which at present may seem insur-

Mr. Graham Anderson :—(South Mysore) proposed a cordial vote of thanks to Baron Von Rosenberg for the excellent paper he had read. The proposal was seconded by Mr. Lambert (Coorg) and carried with acclamation.

THE FOOD AND DRUGS ACT.

THE CHAIRMAN :—In my preliminary remarks I gave details of the action taken by our Association at Home on this subject. I have very few copies of the petition or letters sent by the Association at Home. (The Chairman here read a letter from Mr. Clifford. See Appendix). The Bill has been printed and is being submitted to the House of Commons. The Schedule, referred to in the letter, is in Clause 4 of the Bill (See Appendix). The object of Mr. Clifford's proposal is to prevent the wholesale adulteration of coffee by mixing other ingredients, which operates greatly to our disadvantage by reducing the sale of pure coffee. I certainly think the Bill is a step in the right direction ; for I may mention the question of adulteration of coffee has been under our consideration for the past 13 years and we have tried every way of getting our complaints listened to and have failed, until Dr. Cameron got the present Bill submitted to in the House of Commons. I have, therefore, much pleasure in moving the following Resolutions :—

“That this Conference endorses the suggested insertion by the London Coffee Association to be added to Dr. Cameron's Food and Drugs Act (amendment to Act 1875) now before the House of Commons and under Dr. Cameron's management and (2) That copies of this Resolution be forwarded to Mr. Clifford, Chairman of the London Coffee Association, for communication to those interested.”

Mr. Walker (Wynaad) seconded the proposition which was formally supported by Mr. Gompertz (Shevaroy) and carried unanimously.

MANURES.

Mr. G. K. Martin (Coorg) said :—

MR. CHAIRMAN AND GENTLEMEN,—I have it on the authority of a member of the Malabar Chamber of Commerce that a memorandum has been circulated by the Secretary to the Government of India in the Agricultural Department, among the different bodies chiefly concerned in the purchase and manipulation of bones for manure and other purposes, asking their opinion as to a measure for introducing an export duty on bones and asking whether the suggested measure would affect them adversely or otherwise. I am given to understand that the Malabar Chamber of Commerce have recorded their hearty approval of the suggestion. Our community, as far as I can learn, has not been as yet consulted, as, I suppose, the Government conclude that the measure cannot but be favourable to our industry.

It may be as well to confirm that impression by recording the following Resolution which I beg to submit to this Conference.

RESOLUTION.

In view of the ever decreasing supply of and increasing demand—nay, absolute necessity—for bones for manurial purposes, and the corresponding enhancement of the price of the same, and moreover, considering that the large community engaged in the cultivation of coffee, tea and other products are chiefly affected thereby, it is resolved that this Conference composed of the representatives of that community view with gratitude the indication manifested by the Government of India to grapple with the question and to place a check on the wholesale exportation of this valuable commodity—which is the chief cause of the increasing short supply and scarcity and use in India of the same—by proposing to levy an export on all bones exported from the country, and we trust that the Government will speedily carry out their intention which will prove to be to the best interests of the agricultural industries of the Indian Empire.

The proposition was seconded by Mr. Strinivasa Row (North Mysore Native) and carried unanimously.

EXTINCTION OF BORER.

Mr. G. K. Martin (Coorg):—I beg to withdraw this question from the Agenda Paper at present because I am not prepared with any suggestions.

The subject was accordingly withdrawn from the Conference.

FREIGHTS.

Mr W. L. Edmiston (Nilgiris):—

MR. CHAIRMAN AND GENTLEMEN,—A question which is very near to all producers is the matter of freights and the hidden powers which regulate them; but we Planters as a body seem to know too little about the influences that rule them and have altogether too little to say on the subject. It is a well known fact that there is a coalition among shippers and, I maintain, that such a coalition among producers would ensure better rates, as I said, while freights from our Southern Ports are 30 shillings to 60 a ton, freights from Calcutta vary from 12 to 15 shillings and from Colombo they are 10 shillings. These are the bare facts of the case, but it is a matter for regret that this should be a fact. The contention of shippers is that vessels at intermediate ports have to pay harbour dues on their total tonnage irrespective of what freights they receive and that it is almost

Ports. It strikes me, however, that the difference in freights is out of all reason and I therefore propose the following Resolution:—

“That this Conference, through their President and Secretary, enquire with as little delay as possible into the question of freights from Indian Ports with a view of bettering the position of the planter by bringing those freights to a more reasonable figure.”

Baron Von Rosenberg (Kanan Devan) seconded the Resolution which was carried unanimously.

COMMUNICATIONS.

Mr. G. Romilly proposed:—

“That this Conference places on record its unanimous opinion that it is incumbent on the administrations of Southern India to give good communications to the Planting Districts as it is of vital importance to the prosperity of all agricultural enterprises that roads, bridges, &c., shall be always kept in good repair and railways extended wherever possible.”

Mr. Graham Anderson (South Mysore) formally seconded the proposition. Mr. H. G. Gompertz (Shevaroy) supported the proposition which was unanimously carried.

THE GAME LAWS.

Mr. W. L. Edmiston said he had received no reply to his telegram to the Honorary Secretary of the Association who was also the Forest Officer of the District and was most probably out in the District. He would, however, tell them the exact state of affairs. In the Nilgiris they sent up a strong Memorial to protect game. Government had passed new rules, but these rules were felt by the Nilgiri Game Association, to be so weak as to be no protection at all. The Sub-Committee appointed to draw up the Memorial considered that it ought to be stated that these alterations were no protection at all. He thought that those gentlemen who wished protection extended to their Districts ought to apply for it on the lines that the Nilgiri Game Association had done. If they would allow him, therefore, he would, when the reply to their Memorial had been received, communicate it to them directly or through the paid Secretary.

Mr. J. R. Evans (Coorg) moved and Mr. Graham Anderson (South Mysore) seconded.

“That this Conference places on record their united opinion of the necessity for the amendment of the Nilgiri Game Laws and their extension to other Districts as required from time to time.” The proposition was unanimously carried.

This brought the Agenda before the Committee to a termination. The delegates accordingly adjourned for the day.

FIFTH DAY, *Friday*, 1st September, 1893.

The delegates met at 11 A. M. for the purpose of confirming, in open Conference, the business transacted in Committee, before doing so, however, Mr. Edmiston with the permission of the Chairman read the copy of the Nilgiri Game Association's proposed Memorial to the Madras Government on the question of the Game Laws. This Memorial had not yet been laid before the Association, but he thought it embodied the views of all the members. He understood also that it was the intention of the Association to make that Memorial final whether it was successful or not, and the Conference would give them very much assistance if it would allow him to take back an assurance of its sympathy on the subject.

Some minor matters of account with regard to the expenses of the Secretary, &c., having been settled the Resolution passed in Committee were approved by the Conference.

The Conference was then formally closed.

CLOSING OF THE CONFERENCE.

The Chairman said :—Gentlemen, before finally bringing this Conference to a close, I think there are one or two personal matters which I should like to refer to. You all know the great influence of the Press in all countries, and you have all noticed that when it was proposed to hold this Conference, the Press of the Madras Presidency unanimously granted us its utmost support. (Cheers). I would, therefore, on your behalf, thank the Press, especially the *Madras Mail* and the *Madras Times*, for the kind support and assistance they have given to the planting community in general and to myself in particular in calling this Conference together. It is of importance to bear in mind that almost unanimously, if not quite unanimously, the whole Press of the Madras Presidency supported the Planters in their agitation. Therefore, on your behalf I accord to the Press our most hearty thanks. (Cheers.) I would also ask you to allow me on behalf of the Conference to thank Mr. Colledge, on whom I am sure has devolved a great deal of the clerical work, and I am sure that a great deal of the success attending this Meeting is due to his energy and the assistance I have received from him. Gentlemen, in accordance with your Resolution which appears in the proceedings, the Conference stands adjourned to August, 1894, except, of course, a definite answer be received from the Government necessitating the calling together of a Committee Meeting or another Conference. Now that we have had a Conference, it will be seen by assembling here and talking over various subjects that our interests are identical. I trust, therefore, that we will go on in the way we have now begun, and I would urge on every in-

dividual throughout South India the absolute necessity devolving on him to subscribe to the individual Associations in the several Districts, for, however the actions of the Associations may be criticised, it must always be borne in mind that credit must be given to them that they are not acting for themselves only, but for the whole body of that District which they represent. I, therefore, think it is the duty of every planter in India to join one or other of the Associations (hear, hear), so that, when we come to meet in Conference or in Committee, such Conference or Committee may carry with it the whole weight of the planting community of South India. Gentlemen, all the questions that have arisen before this Conference have been discussed with general unanimity, which certainly took many of us by surprise. In calling this Meeting I foreshadowed that we would probably find that such would be the case. Now, all the questions having been discussed, I do not think I need refer to any question in detail, but I thank you, in closing this Meeting, that you have allowed me personally every consideration in conducting the Proceedings of this Conference. As I told you before, when I came down to the Conference I did not come down with any idea that you would place me in such a position as Chairman; and therefore, I did not come down with any thought of the way in which the Conference should be conducted. During the proceedings it may have occurred to many that there has been a good deal of desultory conversation which might have been avoided, but I laid special stress on the necessity for such conversation in a meeting such as this, where no one Association has yet got into touch with another I think, gentlemen, however much you may disapprove of the way in which I have allowed such conversation to take place (a voice; No! no!) I think it has resulted in getting us more into accord with one another and that in future Conferences your Chairman will be able to come prepared with Resolutions and the way of conducting the business which will meet with your approval. I certainly think that in future Conferences there ought to be some regulations for debate and, time having been afforded to every individual planter to consider his subject beforehand, that we should conduct our Conference on some rules and that no one should be allowed to speak more than once on any particular point and the mover and seconder shall have the right of reply. Then, I think, we shall be able to get through the work more rapidly. But in this case men came down to this Conference quite unprepared and quite out of touch with one another, and they did not come prepared with Resolutions. Gentlemen, I beg to thank you very much for the honour you have done me in placing me in the chair for this, one of the most important Conferences held by the planting community of Southern India, (loud and continued cheers.)

Mr. Sreenivasa Row (North Mysore Native Planters' Association) said :—

GENTLEMEN,—On behalf of the North Native Planters' Association of Mysore, whom I have the honour to represent, and on behalf of the Native Planters in my District, I rise to thank the delegates assembled here from all parts of Southern India, and especially our worthy Chairman, Mr. Digby T. Brett, who was mainly instrumental in bringing about this Conference. I know that our individual effort in this important meeting is not of any consequence. But on the other hand the advantages the Native Planters whom I represent gain by their co-operation, are immense. What was merely a matter of talk for the past twelve years of my life as a planter, to form an Association among ourselves, became an accomplished fact immediately after I received Mr. Brett's letter. Independently of the Native Planters, this Conference would have met here and would have achieved exactly the same results as with having us amongst them. But my Native friends and myself cannot for one moment forget the magnanimity of our European brethren or their kind invitation to us for the co-operation. I take this opportunity of congratulating ourselves on this happy occasion, which for the time brought us together to represent on a common platform the grievances which are common to Europeans and Natives alike. Although our efforts in the past prove to be against the current, still I am hopeful that at no distant date we will be able to achieve our object, thinking this Conference of ours to be the forerunner of many a Conference in future, promoting the industrial interests of Southern India. Again, I thank you all and our worthy Chairman, Mr. Brett, (applause).

Mr. M. N. Subbaiya (South Mysore Native Planters' Association) said :—

GENTLEMEN,—It affords me great pleasure in endorsing every word of my friend, Mr. C. Sreenivasa Row of North Mysore, in expressing our heartfelt thanks to the Chairman and the delegates. The business proper of this Conference being now over, it only remains for us before it dissolves to express our best thanks to the Chairman and the delegates for their kind support and for their active co-operation, without which it would hardly have been the success that it has been. To bring about a Conference like the present in which labourers in the same field in different parts of a country are fully represented, is by no means an easy task, and when it comes to a successful termination it is evident what amount of labour and thought must have been spent on it. Accordingly, special thanks are due to our Chairman, Mr. Digby T. Brett, for his energetic efforts in this direction, notwithstanding the various calls on his time. It is scarcely possible

a Conference as ours. It is a matter for congratulation that this Conference is not to close as we disperse but to continue in future years. The kindness shown to us at this Conference is most encouraging to the Native Planting community in general who it must be understood are following in the footsteps of their European brethren, and whose success in this field is mainly due to the vast improvements suggested by them. On behalf of my colleagues and my Association, consisting of a large number of Planters, I most heartily thank the Chairman and the delegates once again for their exertions and pray that they may be crowned with success.

Mr. Graham Anderson (South Mysore) said:—I have been specially requested to propose, and I have great pleasure in proposing, the last Resolution; but I regret that it has fallen on such unworthy shoulders as mine. I move:—"That in tendering an expression of sincere thanks to Mr. Digby T. Brett for the courtesy and skill with which he has discharged the duties of President, the members desire to acknowledge the obligations they are under to him and Mr. Colledge, not only for the excellent preliminary arrangements made by them, but for their sustained endeavours to do everything in their power to contribute to the unqualified success of this Conference." (Loud and continued cheers.)

Mr. G. K. Martin (Coorg):—I cordially endorse Mr. Graham Anderson's remarks, and I can assure you, on behalf of my colleagues, that we shall go back to Coorg with the full determination to do our best to get the united support of the planting community to the formation of the Central Association.

Mr. L. D. Colledge:—Gentlemen, I thank you for the cordial vote of thanks you have accorded me. I claim very little merit for the share I have taken in getting together this very unique meeting beyond that of holding the opinion, which I think will soon be shared at any rate by the whole of the civilised world, that the voice of "certain Planters"—I say pointedly, certain Planters, as those gentlemen are termed who sent the Memorial with regard to Act XIII to the Supreme Government—is one worthy of the attention, not to say the solicitous attention of the Government of India. (Hear, hear).

The Chairman:—Gentlemen, I feel highly flattered at the kind remarks made by the delegates of the S. and N. Mysore Native Planters' Association and Mr. Graham Anderson. I can only say, I am very much obliged to you indeed for the kind latitude you have allowed me in the conduct of the proceedings of this Conference. On your behalf, I now declare this Conference closed until August, 1894.

The Conference then dissolved.

APPENDIX.

MEMORIAL OF THE PLANTERS' ASSOCIATIONS OF SOUTHERN INDIA ON THE SUBJECT OF ACT XIII OF 1859.

TO HIS EXCELLENCY THE MARQUIS OF LANSDOWNE, G.C.M.G.,
Viceroy and Governor-General of India in Council.

MAY IT PLEASE YOUR EXCELLENCY,

The Petition of the undersigned, representing the Planters'
Associations throughout the Coffee, Cinchona and Tea
Districts of Southern India.

HUMBLY SHOWETH,

That their industry is carried on under great difficulties owing to
the present administration of Act XIII of 1859.

1. As far back as 1877 the Madras Government in G. O., No. 1692, Judicial, admitted "that the Planting industry in Wynaad is suffering from a substantial grievance in the absence of a simple and complete remedy as regards breaches of contract caused by desertion of labourers or fraudulent practices on the part of maistries. The season for gathering the crop is a critical moment and the Planters are liable to heavy loss for which an adequate remedy is difficult. Government are therefore now disposed to give the Planters all the assistance in their power consistent with adequate protection to their employés."

The Collector of Malabar, Mr. Logan, who thoroughly understood the position of the Planters, commenting thereon in a letter, dated Calicut, 12th October, 1876, said, "the law of India has hitherto recognised the necessity of criminally punishing breaches of contract, first, where the master is more or less at the mercy of his servant, and second, where a breach of contract by the servant leaves the master without adequate compensation for the wrong suffered. Both of these sets of circumstances apply with peculiar force to the case of a coffee planter in Wynaad, who is deserted by his coolies at the time of year when he most requires their services. Other employers of labour are no doubt in more or less the same position and subject more or less to the same ill-consequences, but then in the case of the coffee industry it must never be forgotten that it has been the policy of Government throughout to encourage this industry in a locality where one of the most essential elements of success is wanting, viz. : a permanent and sufficient supply of labour. It may often be good policy on the part of a Government to encourage some industry under otherwise unfavourable circumstances, and where that (as in this instance) has been done, it behoves Government to come to the assistance of those who would not, but for such encouragement, have embarked their capital in such a doubtful enterprise."

Mr. Galton, his successor in office, said in a letter to the Chief Secretary, dated 22nd August, 1882, "the fact is that Act XIII of 1859 was obviously not framed to meet the case of advances for labour in the Coffee Districts."

The majority of the Presidency Magistrates consulted by the Madras Government in 1884 were of the same opinion (*vide* G. O., Nos. 1911 and 1912, Judicial, 1884.) But in the face of this expressed opinion no redress has, as yet, been accorded to the Planting community and the Act at the present moment is inoperative.

2. In Wynaad the Act is inoperative owing to the interpretation put on it and on High Court rulings by the local magistracy. For instance the High Court ruling "Act XIII of 1859 has no application to cases in which the work has actually been completed at the time of complaint" [H. C. P., 29th March, 1865] is so interpreted that a warrant cannot be obtained against the defaulting contractor, a day after the specified term of the contract, nor if the work specified has been completed by other labour. On the other hand, in G. O., Nos. 1911 and 1912, 1884, four of the Judges of the High Court lay down their opinion that the defaulter can be ordered to repay the advance even after the term of contract has expired and if he does not obey the order he can be punished.

3. Your petitioners would therefore humbly pray that the Act may be amended and made intelligible alike to the contracting parties and to the magistracy. The opinion of the High Court Judges if enforced would make the Act effective as far as the punishment of a defaulter is concerned, but the universal object and practice of Planters in dealing with contractors and of contractors in dealing with their coolies, is to avoid punishment if by any possibility they can get the contract for labour fulfilled.

4. Therefore your petitioners would respectfully represent to Your Excellency in Council that if the following clauses were passed into law the difficulties in the way of getting contracts for labour fulfilled and the facilities which the dishonest labour contractor at present enjoys of evading all the obligations which he has entered into, would cease to exist :—

I. A clause to make it clear that contracts between maistries and coolies for work to be done upon Coffee, Cinchona and Tea estates are within the Act.

II. A clause to provide that a person who has committed a breach of his contract shall be liable to the punishment provided and to do the work which he contracted to do after the expiry of the term mentioned in his contract.

Both these clauses were suggested by the Madras Advocate-General, as quoted in G. O., Nos. 1911 and 1912, Judicial, 1884. It seems to be unfair to the planter that a cooly absenting himself without leave during the period of his contract can practically deduct the time of his absence from the time he has to serve. It also seems to be unfair to the cooly that if on arrest after the expiry of the term of his contract he is willing to work and the planter to accept his service, the Court cannot pass an order to that effect. The Court at present can only order him to repay the advance and imprison him if he refuses or is unable. The planter can only save him from this by withdrawing his complaint, but if he does so, he loses all hold on the cooly if he again absconds.

III. A clause to provide that every labourer whose name shall be entered in the check roll of an estate and who shall have received an advance of a sum of money from the employer, shall be deemed to have entered into a contract of hire and service for one month to be renewable from month to month.

Mr. Justice Brandt is of opinion [*vide* G. O., Nos. 1911 and 1912, Judicial, 1884] that this is within the scope of Act XIII, but it does not seem to be generally recognised. At present in the absence of the contractor the employer is powerless to restrain or recover absconding coolies.

IV. A clause providing that the Police should undertake the apprehension of the offender.

At the present time a warrant is sent to the Subordinate Magistrate whose head-quarters lie nearest to the defaulter's home and if not served within 15 days is returned to the issuing Magistrate, when the complainant has to apply for a fresh warrant and pay additional fees. It is obvious that under this system the defaulter has but little difficulty in avoiding the warrant. Numerous cases could be cited of the inefficacy of this system of serving warrants during the past season. In consequence the extremely small risk of punishment has greatly increased the number of defaulting contractors.

V. A clause to provide that the defaulting maistry should be treated on exactly the same footing as a defaulting bankrupt is treated in the insolvent Courts.

The Collector of Malabar, in treating of this subject in 1884, wrote to the Chief Secretary as follows :—

“The maxim *nemo debet per se ipsum accusare* has been imported into the Criminal law of India as of England. In India some relaxation of the strict interpretation put on it in England has been permitted ; but such relaxations still fall short of such an interpretation of it as would be required to meet the Planters' wishes in respect of defaulting maistries.

“Stated broadly their argument is—We advance our money to a man to be invested in a particular way, the man disappears and when he is brought up on a warrant he is unable to produce the money, and gives a most unsatisfactory account of what he has done with it. Is it not fair to presume that he has misappropriated it? And yet, we are asked to prove how he spent it.

“The hitch lies in the Criminal law interpretation of the maxim above quoted. The defaulter gives a plausible account of how he lost the money or was robbed of it or advanced it to coolies who immediately absconded or so forth, his statement being frequently a compound of what is false and what is true. The planter has nothing further to advance than that the money was paid for a certain purpose and that the purpose was not carried out, that here is the man and that he cannot produce the money. Of course the Magistrate asks if there is any evidence for the prosecution to prove either the misappropriation or the falseness of the prisoner's plausible tale, and of course as the scene of the misappropriation or of the real loss or of both, is laid some 200 miles off and in foreign territory, no evidence for the prosecution is forthcoming, the prisoner gets the benefit of the doubt and walks out of Court free.

“All that the planter really wants is to be satisfied how his money went. The best and most successful Planters are those who do not exact their pound of flesh, who best read the native character and see that, above all things, a native is almost by virtue of necessity loyal to his superiors, and who therefore readily forgive a fault, being assured that it will be made up by increased diligence in the future. If the man has really and truly lost the money as he alleges, he is easily forgiven, the matter is amicably arranged. On the other hand, if the money has been misappropriated, it is perfectly just that the defaulter should be sent to jail just like his brother, the defaulting bankrupt. They have both made away with other people's money, and cannot satisfactorily say what has been done with it.

“What I would therefore propose is that in the case of defaulting maistries the burden of proving that the money was really lost or was properly spent should lie on the maistry and that on failure to prove this, the maistry should be liable to imprisonment extending to three months, and that his contract should still be enforceable under the other provisions of the proposed

5. We would respectfully point out that we ask for these amendments not only in the interests of the employer but also in the interests of the would-be honest contractor. It is equally unintelligible to him, if he should have given his coolies under advance a respite, and has not applied for a warrant against them until the day on which the term of their contract expires, that he should be refused redress.

It has been urged by the few Magistrates who were opposed to fresh legislation on this subject (*vide* G. O. Nos. 1911 and 1912, 1884,) that the root of the evil lay in our system of advances. But we assert that our advances have done more than anything else to break down the village slavery that used to exist in our neighbourhood, and that, but for our advances, coolies would never have been allowed to leave their homes and earn a higher wage.

6. The above clauses would make the Act effective where it is at present in force, but during the discussions which have taken place between the Associations joining in this petition, it has been brought to our notice that the Act cannot be put in force in the following cases:—
(a) Planters or contractors residing in Mysore, cannot obtain warrants against defaulters in British territory, though Planters in British territory can obtain warrants against defaulters in Mysore. (b) Warrants cannot be obtained against defaulters in Cochin territory; half the European Coffee Estates on the Nelliampatty Hills are in British and half in Cochin territory. In this case, a Tamil coolie from Coimbatore District frequently takes an advance to work in Wynaad and then takes another to go to the Nelliampatty Hills; on the arrival of a warrant, he merely has to cross the boundary and arrange to work on the next estate to escape arrest. We would respectfully draw the attention of Your Excellency in Council to these anomalies and request that arrangements may be made with all Native States in the Madras Presidency, making offences under Act XIII of 1859 extraditable.

And Your Petitioners will ever pray.

(Signed) JOHN F. JOWITT, Acting Honorary Secretary, South Wynaad Planters' Association.

(„) A. LAMBERT, Honorary Secretary, Coorg Planters' Association.

(„) L. D. COLLEDGE, Honorary Secretary, North Mysore Planters' Association.

(„) BROOKE MOCKETT, President, South Mysore Planters' Association.

(„) HENRY M. KNIGHT, Honorary Secretary, South Mysore Planters' Association.

(„) J. S. VALENTINE, Honorary Secretary, Travancore Planters' Association.

(„) W. S. LECHLER, Honorary Secretary, Shevaroy Planters' Association.

(„) E. GRIFFITH, Honorary Secretary, Kotagherry Planters' Association.

GOVERNMENT OF MADRAS, JUDICIAL DEPARTMENT.

READ—Again the following papers :—

G. O., dated 10th August, 1892, Mis. No. 1457, Judicial.

„ „ 19th December, 1892, Mis. No. 2352, Judicial.

READ—also the following letter from Sir E. C. BUCK, *Kt.*, C S I., Secretary to the Government of India (Revenue and Agricultural Department—Emigration), to the Chief Secretary to the Government of Madras, dated Simla, 19th May, 1893, No. 1206—40.

I am directed to reply to your letter No. 1458, Judicial, of the 10th August, 1892, reporting on a Memorial from certain Planters in the South of India regarding the administration of Act XIII of 1859.

2. The requests put forward by the memorialists have been carefully and fully dealt with by the Government of Madras, and I am to say that, in view of the opinions already expressed both by the Government of India and Her Majesty's Secretary of State in the despatches marginally noted regarding the operation of Act XIII of 1859, His Excellency the Governor-General in Council is unable to agree to any extension or amendment of its provisions in the manner suggested in clauses I, II, III and V of paragraph 4 of the Memorial.

3. To meet the difficulty noticed in clause IV there is no objection to the issue of orders, as proposed in your letter, for the transfer of the execution of processes under the Act from revenue peons to the police.

4. With regard to extradition it is suggested in your letter that, in order to meet the wants of the memorialists, arrangements may be made for the reciprocal service of summonses and bailable warrants under the Act. The Government of India are, however, of opinion that grave inconvenience is likely to arise if the states mentioned in your letter are exceptionally treated in the matter of extradition, and they would in any case be averse to the introduction of the proposed concessions in connection with mere breaches of contract falling under Act XIII of 1859.

ORDER—dated 17th June, 1893, No. 1238, Judicial.

The foregoing letter from the Government of India will be communicated to the Wynaad Planters' Association for information.

2. The duty of executing processes issued under Act XIII of 1859 should in future be performed by the Police. The Inspector-General of Police and all District Magistrates will issue the necessary instructions on the matter.

3. It has been brought to the notice of Government that warrants issued under Act XIII of 1859 are cancelled after the expiration of fifteen days if the defaulter is not found and that additional fees are demanded if fresh warrants are applied for. This practice, if it exists, is objectionable and should be put a stop to.

4. With reference to paragraph 1 of G.O., dated 19th December, 1892, No. 2352, the Chairman of the Travancore Planters' Association will be informed that this Government is unable to take the desired steps in respect of the service and execution of summonses and warrants.

5. The letter from the Government of India will also be laid on the Editors' Table.

J. F. PRICE,

GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

EMIGRATION.

TO THE RIGHT HONOURABLE VISCOUNT CROSS, G.C.B.,

Her Majesty's Secretary of State for India.

SIMLA, the 5th October, 1891.

MY LORD,

In our Despatch No. 11 (Emigration) of 22nd June, 1889, we informed Your Lordship that a special and comprehensive enquiry was being made into the working of the law relating to the emigration of labourers to Assam, and we promised a further communication on its conclusion. We have now received the Reports of the Bengal Government and the Chief Commissioner of Assam, and after giving them our full and careful consideration, we are in a position to place before Your Lordship our definite views regarding the amendment of the Act and improvement of the working of the system.

2. We ask permission briefly to remind Your Lordship of the circumstances which led up to this enquiry. When Act I of 1882, the law which now regulates the system of labour and immigration in Assam, was passed, Her Majesty's then Secretary of State, the Marquis of Hartington, was apprehensive that the new law might operate injuriously to the labourers, partly on account of the extension of the maximum duration of the statutory contract from three to five years, coupled with the provision of certain penal remedies in favour of the employer against breaches of contract by his labourers, and partly owing to the unhealthiness of the Assam tea-plantations as evidenced by the annual returns of mortality. He directed that after a period of three years a special report should be submitted with the view of considering the possibility of abandoning all exceptional legislation respecting contracts of labour in the tea-districts of India. The first special reports from Bengal and Assam were submitted with the Government of India's Despatch No. 18 of 17th July, 1886; and in reply Your Lordship, while clearly intimating that such exceptional legislation could only be regarded as temporary and must not be maintained longer than was absolutely necessary in the interests of both the classes concerned, expressed your concurrence with Lord Dufferin's Government that the time had not yet arrived when it could safely be abandoned in the interests either of the employer or of the labourer. At the same time Your Lordship desired that the working of the Act should be narrowly watched, and a further special report submitted after three years. Subsequently in 1888 certain serious defects in the working of the system were brought to our notice by the Bengal Government, the evils complained of being attributed to the want of any provision in the law for the control of free recruitment and emigration carried on outside the terms of the Act. The absence of such control had, in the first place, precluded the enforcement of suitable arrangements along the line of march for the health and comfort of the emigrants, thus giving rise to sanitary evils of a grave nature involving the constant risk of epidemic disease and the importation of cholera to the Assam plantations; and in the second place, it was represented as having left an opening for abuses and malpractices in the recruitment of the labourers conveyed to that Province. As provisional remedies, we authorised the employment of a special Police establishment for dealing with

cases connected with recruitment, and we also sanctioned the enactment of Bengal Act I of 1889, which not only empowers the authorities to enforce sanitary regulations in the case of free or privately assisted emigration as efficiently as in the case of emigration conducted under the Act, but by enabling the Local Government to prescribe routes and halting-places for free emigrants, to require way-bills, and to frame rules for medical examination and inspection in transit, has materially strengthened the hands of local officers, acting under the ordinary criminal law, in the detection and prevention of abuses in recruitment. With these precautions we decided, in view of the Chief Commissioner's favourable report of the working of the system in Assam, to defer the consideration of a general amendment of the Act, and to await the results of the more active executive measures taken in Bengal and the completion of the enquiry which had been instituted under Sir Dennis Fitzpatrick's orders in Assam.

3. We have now the honour to forward the special reports* received from Bengal and Assam. The Assam report has been prepared

* Enclosures I and II.

From the Secretary to the Government of Bengal, General Department, No. 142, dated 28th August, 1890.

From the Secretary to the Chief Commissioner of Assam, No. 1373 J., dated 16th April, 1890.

of the labour system in Assam. The Bengal Government on the other hand reports the continued prevalence of abuses in recruitment and recommends a retrogression on the policy of Act I of 1882, and a return to the former system of officially controlled emigration. As we were not altogether satisfied with Sir Stuart Bayley's conclusions, we invited our then colleague, Sir Charles Elliott, who had been designated to succeed to the Lieutenant-Governorship of Bengal, and whose previous experience in Assam gives a special value to his opinion, to place in writing his views on the subject, and he has recorded the Minute † which

† Enclosure III. Minute, dated 15th December, 1890, on the Amendment of Act I of 1882.

weather to hold a conference

‡ Enclosures IV and V.

To the Secretary to the Government of Bengal, General Department, No. 2059, dated 5th October, 1891.

To the Chief Commissioner of Assam, No. 2058, dated 5th October, 1891.

these letters are enclosed for Your Lordship's information.‡

We desire here to express our deep regret that the lamentable death of Mr. Quinton has deprived us of the advice and assistance of a Chief Commissioner who had mastered the intricacies of this difficult question; but we may add as the result of our conference that, except in regard to the matters dealt with in paragraphs 27 and 35 of our letter to the Chief Commissioner of Assam (extension of the sanitary provisions of Act I of 1882 to non-Act labourers, and exclusion of individual estates from the operation of the Act) which he reserved for further

on the lines indicated by Sir D. Fitzpatrick, and is the outcome of the reports of the District Officers as tested and supplemented by the late Mr. Quinton's personal enquiries during a cold weather tour mainly devoted to this purpose. Mr. Quinton confirms the reports of his predecessors as to the generally satisfactory working of the labour system in Assam. The Bengal Government on the other hand reports the continued prevalence of abuses in recruitment and recommends a retrogression on the policy of Act I of 1882, and a return to the former system of officially controlled emigration. As we were not altogether satisfied with Sir Stuart Bayley's conclusions, we invited our then colleague, Sir Charles Elliott, who had been designated to succeed to the Lieutenant-Governorship of Bengal, and whose previous experience in Assam gives a special value to his opinion, to place in writing his views on the subject, and he has recorded the Minute † which forms Enclosure III to this Despatch. Subsequently we took advantage of Mr. Quinton's visit to Calcutta at the close of the cold weather to hold a conference with him on the entire question, and after full consideration of all the materials before us, we have addressed the Bengal and Assam Governments in reply to their reports, indicating the points on which, as at present advised, we are prepared to amend the Act and those in regard to which we consider more efficient executive action to be called for. Copies of

4. It is desirable at the outset to guard against the supposition that special legislation is maintained merely in the interests of the tea-industry. The Provinces from which the labour-force for tea-gardens is mainly drawn, known as the recruiting Provinces under the present law, are Bengal and the North-Western Provinces; and the principal recruiting areas are either densely-inhabited Districts, such as many in Behar and the North-Western Provinces, where the means of subsistence are insufficient for the support of the entire population in tolerable comfort, or such tracts as Chota Nagpore, where, though population relatively to area does not appear excessive, wages are extremely low and the labouring classes are unable without some relief by emigration to obtain a decent livelihood. The Lieutenant-Governor of Bengal in his special report informs us that Rs. 20 represent seven months' wages for an able-bodied man in Chota Nagpore, and that from a period antecedent to the commencement of labour legislation the labouring classes of this locality have looked to emigration to Assam as a means of improving their condition. We invite attention in this connection to the enquiry into the economic condition of the lower classes of the agricultural population made by this Government in 1887-88, the results of which were reported with our Despatch No. 3 (Famine), dated 30th October, 1888. Your Lordship will there find an account of the tendency towards poverty and pressure among the landless and labouring classes in certain areas which it has been our steadfast endeavour to counteract by emigration. During the recent scarcity in Orissa and in the adjacent Districts of Madras there was a sudden development of emigration to Assam from Ganjam and Vizagapatam, and the Madras Government asked us to legislate with a view to extending the recruitment provisions of Act I of 1882 to that Presidency; and a similar application, assented to by the Local Administration, has recently been made on behalf of the tea-industry for the extension of the Act to the Central Provinces, which are already used as a recruiting field. It has been the settled policy of this Government to promote emigration from areas which are over-populated and liable to famine to others enjoying more favourable conditions; and the importation of immigrants to Assam at the expense of persons interested in the tea-industry has done much towards

* Section 13 and page 164 of the Assam Report. opening out and colonising the fertile but sparsely-peopled Districts of the North Eastern Frontier.*

5. The condition of the immigrant labourer on the Assam plantations is described as follows by the Chief Commissioner :—

“On a tea-garden the immigrants get the benefit of house accommodation, water-supply and other sanitary arrangements, and medical treatment and diet if sick; in addition to this they are entitled to wages at the minimum rate of Rs. 5 per man and Rs. 4 per woman, which can be earned by the performance of tasks which from all the available evidence, official, and non-official, appear to be moderate and reasonable. A family consisting of a man, a woman and a working child can without difficulty earn Rs. 10 per month between them; if healthy and industrious, they can in many gardens for eight or nine months of the year earn Rs. 20; incomes beyond the reach of the labouring classes in the recruiting Districts. The ordinary garden coolie is sure of getting a sufficiency of food and yet being able to save. He can before the expiry of the first term of his contract embark upon many occupations in addition to his garden labour, which add to his income and enable him to increase his savings. Within a few years of the expiry of his first term of contract, he may, if hard working and thrifty, have saved enough to be in a position to give up tea-garden work altogether. If he wishes to settle down to cultivation, there is abundance of land to be had for the trouble of clearing the jungle, which under recent orders he can obtain rent-free for three years; and there are numerous non-agricultural occupations in which natives of the Province do not to any considerable extent engage, to which the immigrant can settle down, and from which he can earn a livelihood with little fear of over-competition.”

These remarks apply, primarily at least, to tea-coolies who have entered into engagements under the Act. We see no reason to doubt that their condition is on the whole prosperous and happy. Wages appear to be fair and tasks moderate. We notice that the wages earned by Act (contract) labourers are less than those earned by Non-Act coolies, but this result is attributed partly to the preponderance among the former class of recent importations—less efficient as workers and unable to perform their tasks with the rapidity of more experienced hands, who commonly earn extra remuneration by extra work—and partly to the more remunerative kinds of work and positions of trust being allotted to old hands, among whom the latter class preponderate. It is also a fact that the class of Act labourers contains a large proportion of unacclimatised coolies, who are naturally more liable to sickness than the others; and it appears to be the practice on many gardens to re-engage old hands outside the Act on the expiration of their contracts at a higher rate of wages than those given to newly imported contract labourers—an arrangement which cannot be regarded as inequitable seeing that the latter have mortgaged their labour in return for the cost of their importation. There is no indication of any increasing severity of the tasks or lowering of wages, points which have been specially enquired into; but there is good evidence that the labourers on the generality of plantations are more and more engaging in private occupations as subsidiary means of livelihood in addition to their earnings from tea-garden labour. The Chief Commissioner remarks that the position of the tea-labourers is not so much that of operatives on a factory as of agricultural labourers, to whom work is always available on the tea-garden, but who are allowed considerable liberty, of which they largely take advantage, to follow other occupations. In the 148th and two following paragraphs of his Report the Chief Commissioner describes the extent to which these collateral means of livelihood—such as cultivation, the rearing of live-stock and poultry, or petty trading—are resorted to by tea-coolies generally, and particularly by coolies on certain classes of gardens; and he points out that *pro tanto* the result must be to lower the average wages, in so far as the pursuit of these private avocations makes the coolies less eager to earn wages by garden-labour. In considering the monthly average it must be borne in mind that on many gardens there are coolies who have either done no work or very little work during the month, and have consequently earned no wages or very low wages; and the inclusion of these in the calculation reduces the average result to an amount below what it would have been if all the labourers had worked with fair regularity. We are glad to observe that the advantages, from the point of view of the health and prosperity of the coolies as well as of the popularity of the estate, arising from the employment of a superabundant rather than a

* Paragraph 155 (pages 223, 224) of the Assam Report. merely sufficient labour force, have now been realised by Planters,* and that pressure is brought to bear on

employers, where necessary, to keep the force somewhat above the strength actually required for working the garden, so as to admit of the coolies, except perhaps during the busiest season, being freely allowed leave either to attend to their own business or to take a short interval of rest.

6. The relations between the Planters and their coolies appear to be generally satisfactory, and the treatment of their labour-force by employers is reported to be on the whole fair and considerate. The large and annually increasing number of immigrants supports these conclusions and furnishes a practical indication of the growing popularity of Assam as a labour-field. On this subject we attach great

who have visited the tea-plantations, and bear evidence not only to the advantages gained by the immigrants themselves, and the relief afforded to the distressed classes in over-crowded Districts by emigration to Assam, but also to the groundlessness of the misrepresentations and attacks upon the labour-system made by a certain section of the Native press, which deter many of the needy poor of other Provinces from improving their lot by emigrating to Assam. We invite Your Lordship's attention to the remarks of the Reverend Mr. Heberlet, the Reverend Isaac Row, and the Reverend K. S. MacDonald, quoted in the 160th paragraph and the 27th section of the Assam Report.

The allegations which had been made in certain quarters regarding the habitual use of the cane on tea-plantations and of the illegal confinement of coolies by their employers have been specially enquired into

and ascertained to be without foundation.* The matter of desertions, which *prima facie* constitute evidence of unsatisfactory relations between

employers and employed, is discussed in detail in the 22nd section of the Assam Report. We do not think that the desertions from tea-gardens can be taken as indicating discontent or ill-treatment generally, because they are chiefly confined to the first year or so of the coolies' residence in Assam before they have settled down to their new conditions of life, and also because desertions in most cases merely involve a change from one tea-garden to another—often under the influence of enticement—and not an entire relinquishment of tea-garden labour.

7. Against the advantages gained by emigration to Assam must be set off the drawback of high mortality. With reference to the objection taken to the Act on this ground by Lord Hartington in 1882, we are glad to inform Your Lordship that during the operation of the present Act a marked diminution has taken place in the total mortality on tea-plantations. For the six years preceding the introduction of the Act (owing to alterations in the system of reporting earlier figures are not reliable for purposes of comparison) the average death-rate was 47·6 *per mille*, while for the nine following

Before the Act.			After the Act.			
† 1876	...	51·1	1882	...	37·8	The mortality in 1880 and 1881 was exceptionally low, but allowing for fluctuations from year to year, there can be no question that since the introduction of the present Act there has been a very substantial change for the better. There are unfortunately no means of comparing the tea-garden death-rate with that of the labouring classes in the recruiting districts, as the recorded statistics of mortality among the general population are unreliable, particularly in Bengal, owing to defective registration; but from the figures and remarks in the 188th
1877	...	50·9	1883	...	41·3	
1878	...	66·1	1884	...	43·2	
1879	...	50·9	1885	...	36·8	
1880	...	35·2	1886	...	39·8	
1881	...	31·7	1887	...	36·2	
			1888	...	39·8	
Average ...		47·6	1889	...	41·8	
			1890	...	34·3	
			Average ...		39·0	

paragraph of the Assam Report it will be seen that the registration of deaths on tea-gardens is far more complete and accurate than the registration elsewhere, and that the garden death-rate is not really so much in excess of the actual death-rate of an ordinary Indian village as would at first sight appear from a comparison of the recorded statistics.

We do not however deny that the tea-garden death-rate is appreciably higher than that of the general population. Experience has shown beyond a doubt that the garden mortality rises and falls *pari passu* with importations, and the returns are swelled beyond those of

the general population by the deaths of new and unacclimatised coolies. There are, however, circumstances which lead us to expect more favourable results in future. The reduction in mortality already effected is to a considerable extent the result of sanitary improvements on tea-estates. The Chief Commissioner reports that the sanitary condition of a tea-garden is even now far superior to that of an Indian village, that improvements are being annually made, and that the medical staff of tea-gardens is being gradually strengthened by the appointment of more competent native doctors and an increase in the number of supervising European medical officers. It is pointed out that in the matter of medical attendance, employers have gone far beyond the requirements of the law

* Paragraph 168 (page 248) of the Assam Report.

and rules.* From the 181st and 182nd paragraphs of the Assam Report it will be seen that the excess

mortality on tea-estates over that of the general population is to a large extent due to the ravages of cholera, and this disease does not ordinarily originate within the Province, but is contracted by new emigrants before reaching Assam in their journey through infected or endemic areas, and brought up to the tea-plantations. The want of sanitary control along the emigrant routes has contributed largely towards this result in former years; and we feel justified in anticipating that the sanitary regulations which are now enforced in Bengal under Act I of 1889, and which have quite recently been put in force in the Surma Valley, will go far to mitigate this cause of mortality. The transit arrangements in the Assam Valley, described in the 10th section of the Assam Report, are already complete and satisfactory, and the increasing use of steamers in preference to country boats for the conveyance of emigrants to Sylhet and Cachar will greatly facilitate sanitary supervision in the Surma Valley. A further reduction of mortality may be expected

† Paragraph 183 (pages 267-271) of the Assam Report.

from the recent discovery of the efficacy of the "thymol" treatment in cases of *beri-beri* or "anæmia of

coolies," which has hitherto directly or indirectly been the cause of a large proportion of the deaths on tea-estates.†

At the same time we observe with great regret that the mortality among new immigrants during the first year or two of their acclimatisation in Assam is still lamentably high. This is partly due to the greater prevalence of cholera and *beri-beri* among them, but chiefly to the change of climate, food, water and conditions of life undergone by the immigrant, coupled with the fact that many of the importations in late years have consisted of coolies, imported chiefly through contractors, physically unfit to stand the climate and work. We propose to amend the Act so as to enable the employer in all cases to require a certificate of physical fitness before finally contracting with a labourer, and we have consulted the Chief Commissioner on the question of taking special measures to prevent the employment of new coolies on fresh clearances or other sites known or believed to be unhealthy. But by whatever means we may remove the preventible causes, we fear that the mortality among new immigrants arising from the change to the unaccustomed and (to them) unhealthy climate of Assam must continue to be high for years to come, till the country has been more opened out by cultivation than at present. This exceptional liability to sickness and death during the earlier stages of acclimatisation was recognised both by Sir D. Fitzpatrick and by Mr. Quinton as one of the necessary evils of the emigration system which must be accepted along with its advantages; and we agree with these authorities in thinking that it is more than compensated

The high mortality among children and the low birth-rate on tea-estates had been brought unfavourably to our notice. The statistics do not show that the death-rate

* Paragraphs 172 and 187 (pages 275-277) of the Assam Report. among children is excessive as compared with the ordinary death-rate of Indian children.* The birth-rate

calculated on the total population must, as pointed out by the Chief Commissioner, necessarily be low on tea-estates, considering the large preponderance of male over female coolies; but even as calculated on the total strength of adult women, it appears to have been falling since the introduction of the Act. The average percentage struck on the strength of adult women for the six years preceding the introduction

Before the Act.		After the Act.		The tabular statements furnished in the 31st Section of the Assam Report show a higher birth-rate for tea-estates in Assam during the years 1886-1888 than for either the Province of Assam or Municipalities and towns in Bengal; but the Chief Commissioner doubts if it is really higher, for he believes that the registration of births, though still defective, is more carefully attended to on tea-estates than in the villages or the Bengal towns. We do not think that the birth-rate among tea-labourers generally is so low as to give
† 1876 ...	16·07	1882 ...	13·31	
1877 ...	10·13	1883 ...	11·94	
1878 ...	10·13	1884 ...	11·32	
1879 ...	8·82	1885 ...	11·5	
1880 ...	10·43	1886 ...	10·29	
1881 ...	12·58	1887 ...	10·02	
		1888 ...	10·32	
		1889 ...	10·39	
		1890 ..	8·98	
Average...	11·36	Average...	10·89	

grounds for apprehension; but we have asked the Chief Commissioner to direct greater attention to the preparation and scrutiny of the record of births on tea-estates.

On the whole, therefore, looking to the gradual opening out and decreasing unhealthiness of the country, the progress of sanitary improvements on tea-gardens, the strengthening of the garden medical staff, the measures taken for the prevention of the introduction of cholera and the cure of *beri-beri*, the gradual increase in the labour-force relatively to the work required, and the action it is now proposed to take to prevent the importation of unfit labourers and the employment of new arrivals on unhealthy sites, we have every reason to hope that the reduction in mortality which has followed the introduction of the Act of 1882 will at least be continued.

8. As regards the legal status of the labourer, the incidents of the contract, so far as they bear against him, are of a two-fold character. There are, first, the penalties against minor breaches of contract, such as idleness or wilful neglect of work or disregard of sanitary regulations, and the provisions (Sections 121, 170 of the Act) for prolonging the term of the contract in the event of the labourer's absence from work owing to sickness or other causes. Secondly, there is the punishment for desertion from service, and the summary power, under certain safeguards, conferred on the employer of arresting deserters. The minor penalties were in certain respects made more stringent by the Act of 1882; and it was doubtless the possibility of these being abused by the employer which led Lord Hartington to direct that a record should be kept and returns submitted to the

† Despatch No. 7 (Legislative), dated 6th April, 1882. Secretary of State of punishments under the Act inflicted on contract labourers by the Criminal Courts.‡

From the first statement in the 142nd paragraph of the Assam Report,

the offence of desertion, are extremely rare ; and in the 107th and 108th paragraphs the Chief Commissioner shows in detail, district by district, that the powers conferred on employers to procure an extension of the period of the labour-contract in the event of the labourer's absence from work, though they serve a useful purpose in enabling a manager to control his labour-force and prevent idleness, have only been taken advantage of in very exceptional cases. There remain the penalties for desertion, under which the labourer is compelled to fulfil his part of the contract, and in return for which corresponding obligations are imposed on the employer. The latter entitle a labourer to a fair minimum wage, food at reasonable contract rates, free house-accommodation, and free medical attendance and comforts. There are special provisions for his protection against over-work or ill-treatment, for the realisation of his wages, for the cancelment of his contract in cases of ill-treatment, for his dieting or subsistence allowance if sick or weakly, for the suspension or cancelment of his contract if temporarily or permanently invalided, and in the latter case, if he desires it, for his repatriation to his native district. The employer is bound under criminal penalties to maintain registers of his labour-force, to submit returns, to undergo inspections, and to provide a suitable water-supply and other sanitary and medical arrangements. There are special provisions for dealing with and, if necessary, cancelling a labourer's obligation to labour on unhealthy gardens, and, generally speaking, all the circumstances which place the labourer in an unfavourable position are under the law subject to Government control. The penalties for desertion, first imposed by the Act of 1865 and continued in subsequent Acts, are the main consideration for which employers submit to these obligations ; if they were removed or materially relaxed, the labourer would not have these advantages, and we agree with Sir Charles Elliott (see his remarks quoted in paragraph 20 of our letter to the Bengal Government) that in the present circumstances of the Province the result in that case would be decidedly detrimental to the condition of the great mass of the labour-force.

9. In our Despatch No. 18 of the 17th July, 1886, we pointed out to Your Lordship that side by side with the Emigration Law there existed in Assam, though of somewhat doubtful application, another labour Act, XIII of 1859, which provided none of these safeguards in protection of the labour-force, while owing to its vagueness it was capable of being worked in a manner harsh and inequitable to the labourer. We observed that one of the main objects of Act I of 1882 in establishing the local contract system had been to substitute for the unilateral contracts capable of enforcement under Act XIII of 1859 the more just and equitable provisions of the Act of 1882, which bind the employer as well as the labourer and enable the Government to exercise suitable supervision in protection of the labour-force. We expressed a regret that the latter Act, while providing a substitute for that of 1859, had not gone one step further and repealed it altogether, and we intimated our intention of calling upon the Chief Commissioner to report on the question of its repeal. Under our direction an enquiry was made in Assam during the cold weather of 1886-87 with a view to considering the possibility of repealing this Act so far as labour contracts on tea-gardens are concerned. Mr. Ward, then Officiating Chief Commissioner and now the permanent head of the Administration, in reporting the results of that enquiry, though he admitted the defects of the law in theory, found that as a matter of fact the Act did not operate harshly and expressed himself unreservedly in favour of its retention. We, however, decided that the question should be fully reconsidered in connection with the present general enquiry ; and in the 18th Section of the Report now submitted the late Chief Commissioner has discussed in detail the information and statistics obtain-

ed during 1889-90. In paragraph 119 he sums up the arguments for and against our suggestion in the following terms :—

“From the above remarks the following general conclusions may be drawn on the working of Act XIII. Where it is used employers use it in preference to Act I, because (1) the expenses are less, (2) it involves less Government supervision and less trouble in the way of reports and returns. In the relations between employer and labourer, so far as the general treatment of the coolie is concerned, there is no distinction between Act I and Act XIII coolies. Act I regulates the standard of treatment on tea-gardens, and in practice it is found that Act XIII coolies receive the same treatment as Act I coolies with regard to house-accommodation, food, sanitary arrangements, medical comforts, &c., with the difference perhaps that in some gardens in localities where rice is expensive, they are required, if they take rice from the garden, to pay the cost price, even if it should exceed the contract rate paid by Act I coolies. In very rare cases abuses have been observed in the working of Act XIII; such as the use of the Act to evade sanitary regulations, the possible separation of husband and wife, arising from the inability to redeem or cancel the contract, and, in a larger number of cases, the indefinite period of the contract as expressed in terms of days. Against such abuses there is no protection under any special law, but a material check can be exercised on them by the powers of inspection given by Act I and by the ordinary law, and by the discretion allowed to Magistrates by Act XIII itself. Section 114 of Act I empowers an Inspector to require the production of any labourers and other persons employed on an estate, and to make enquiries touching their condition and treatment. Act XIII is in itself a lenient law of penal contract. The employer has not the power of arrest without warrant; the Magistrate has a wide discretion as to the determination of what is a lawful or reasonable excuse for the non-performance of the contract within the meaning of Section 2 of the Act; if the Magistrate should be compelled on technical grounds only to find in favour of the employer and order the coolie's return to the garden, he has a further discretion as to the amount of imprisonment, nominal or substantial, to be inflicted for enforcing that order. When once a labourer has been sentenced to imprisonment, he is no longer liable to prosecution in respect of his Act XIII contract. The power of the employer over the labourer is less under Act XIII than Act I. These considerations tend to limit the application of Act XIII generally, (1) as regards the labourer, to labourers who can be relied upon not to desert, *i. e.*, to old labourers; (2) as regards the garden, to gardens which can retain their labour under the less stringent law, *i. e.*, to healthy and popular gardens. There are as a matter of fact less deaths, less desertions, less judicial punishments among Act XIII than among Act I coolies, and the former earn higher wages than the latter. There is no virtue in the Act itself which produces these results; the same results would follow if the classes of coolies now placed under Act XIII were placed under Act I; but the reasons explained above limit the application of the Act to coolies in whose case these good results are likely to happen, that is to say, to old coolies, either natives of the district or immigrants who have been some years in the Province, have become acclimatised, and have learnt the conditions of garden life and garden work. Such coolies are aware of their rights and obligations under their contracts; they know they can appeal to the Inspector or Magistrate, and they are generally sufficiently able to take care of themselves. With this limited application, there is little chance of injustice being done to the coolie under Act XIII, and the statistics given in preceding paragraphs show that it has in practice worked well.

“Lastly, the existence and use of the Act have in Mr. Quinton's opinion given a considerable impetus to free or assisted immigration in the Surma Valley by holding out to the planter some security over that of the ordinary law for the expenses incurred in assisting the immigrant up or the loss undergone in supporting him when he is learning his work; and on the other hand it places the coolie in a position of considerably greater independence and enables him to exact his own terms more easily than his fellow-labourers bound by a contract under Act I of 1882 can do. It serves the purpose of a transitional stage from a strict penal contract to one enforceable only in the Civil Courts, and as such is, in the Chief Commissioner's opinion, smoothing

We do not altogether abandon our objection to the principle of the Act of 1859, which admits of specific performance being enforced under a criminal penalty of a contract one-side and possibly unfair to the labourer, without laying down any restriction as to its terms or mode of execution; but on the facts now before us we are content to allow the Act to stand on its present footing so long as the Courts administer it as a part of the ordinary law and employers understand that it is not to be regarded as a special Act parallel to Act I of 1882. However objectionable in principle, there is no doubt that in its practical operation this Act has been harmless and even beneficial. This is the conclusion deliberately arrived at by the three successive Chief Commissioners who have enquired into the matter since the proposal to exclude the Act from tea-estates was put forward in 1886. In the

Assam Valley its use is almost entirely confined to healthy gardens* and to coolies who possess the confidence of their employers. These coolies earn good wages, their death-rate is low (2·27 per cent.) and their desertion rate still lower (0·85 per cent.) Similar results are noticeable in the Surma Valley, where the Act is very popular with employers and still more so with the labourers themselves, is extensively resorted to, and, on gardens which are developing towards free labour, is employed as an intermediate form of contract, less strict as regards the labourer than a contract under Act I of 1882, and affording greater protection to the employer than a contract only enforceable by a suit in a Civil Court. The safeguard in the working of the Act lies in its practical restriction to cases in which there is a likelihood of the continuance of satisfactory relations between employer and labourer. Prosecutions and convictions in the Criminal Courts are few, they are generally followed by an order for the performance of the contract which is acquiesced in by the coolie, and sentences of substantive punishment are very rare. It appears from the Assam Report that during the five years 1884-1888 only 120 coolies were actually sentenced to judicial punishment, the average annual proportion being about 4 to every 10,000 coolies under this Act. The apprehension that the Act would bind only the labourer under criminal penalties, while leaving the employer free from all the obligations towards his labourers which are enforced under Act I of 1882, has not in fact been realised. Theoretically the only provisions of the law under which supervision can be exercised over Act XIII labourers are sections 113 and 114 of Act I of 1882, which empower the Government to require returns and carry out inspections; but it is reported that in practice there has been little difficulty in securing for Act XIII coolies the same advantages which are enjoyed by labourers under Act I of 1882. The only standard recognised by the law in sanitary matters and the general treatment of the labour-force is that established by the Act of 1882, and this standard is, as a rule, adopted by managers for the whole of their immigrant labour-force, and is steadily kept in view by inspecting officers in their visits to tea-estates. We are satisfied that so long as Act I of 1882 or any Act which may replace it thus sets the standard of the relations between employer and labourer and renders Government supervision possible, there is little likelihood of the Act of 1859 being inequitably worked. The results of the two enquiries show that, far from having been employed as an instrument for exacting unreasonable contracts, or being felt in practice to be harsh in its operation against the labourer, it has been used as a more lenient and popular penal contract law, from the labourer's point of view, than the Act of 1882. As such it is serving a useful purpose as a transitional stage between strict penal contracts and a system of civil contract under the ordinary law.

10. In the course of the discussions which have taken place in

natives of India other than newly imported labourers—such as immigrants settled in Assam, or native of that Province, or imported labourers whose original contract has expired by lapse of time—should any longer be permitted to enter into contracts under Act I of 1882 within the labour-districts, or whether they should not be left to make their own terms with employers under the ordinary law or under Act XIII of 1859 or some modification of the latter Act. On the one hand it is alleged that there is great danger of such contracts being obtained, and that in all probability they often are obtained, by undue influence, and it is urged that the considerations of public policy which justify the application of an exceptional law of penal contract in the case of newly imported labourers do not hold good in the case of those who are already in the Province. For the employer has not placed the latter under any obligation by defraying the expenses of their importation from a distant and over-populated district to more favourable conditions of life ; or if he has done so, the obligation has been discharged by the service rendered by the labourers during the term of their original contracts. Nor has the employer furthered a public object by helping to reduce the population of an overstocked area or to add to the sparse population of Assam. On the other hand it is urged that if, in consideration of the correlative advantages which are secured by the contract and which could not be enforced except under the special law, it is permissible to allow Act contracts to be entered into with newly imported labourers who have had no experience of the country or of the life or work on tea-gardens, it must *a fortiori* be permissible and safe to allow such contracts in the case of old labourers who have been at least three years in the tea-districts, who are fully cognisant of the conditions of service and of their claims to protection by the authorities, and in whose case therefore there is little opening for deception or coercion in the renewal of engagements.

Although this question is not raised in the reports received either from the Bengal or Assam Governments, it occupied a prominent place in the discussions in the Bengal Legislative Council in 1870 and 1873, and we have not allowed it to escape our attention. The first Act to regulate the labour-system on tea-plantations was Bengal Act VI of 1865. This Act permitted the renewal of his contract by a time-expired imported labourer in the presence of the District Magistrate for any period up to the maximum of three years then allowed by the law. For local coolies—natives of Assam and settled immigrants (then a comparatively small class)—Act XIII of 1859 was employed ; for the Act of 1859 had at the time been extended to all the labour-districts of Assam except Sylhet, which was then relatively insignificant as a tea-district and has only attained its present importance since 1880. In the next labour Act, II (B.C.) of 1870, the provisions regarding the mode of renewing the contract were omitted, employers and time-expired labourers being left to contract with each other without the intervention of a public officer. But it was still deemed necessary to secure on behalf of imported labourers the sanitary and protective supervision of the Act, and with this view it was provided that all contracts entered into by such labourers, whether under the Act or otherwise, were, notwithstanding anything in the contract to the contrary, subject to the more important clauses of the Act applicable to labour-districts, such as those prescribing criminal penalties for the enforcement of the contract in favour of the employer, and sanitary and protective regulations in favour of the labourer.* The discussions in Council show that the interests of the time-expired labourer formed the main consideration which was kept in view in framing these provisions. The immediate object was to secure to

*Section 117: and Sections 101-111 of Act II of 1870, B.C.

dation, rice, maximum and minimum hours of labour and the like which he would have on first arriving in the labour-districts" The protection to the employer by way of criminal penalties followed as the correlative. When this Act came under revision in 1873 the conclusion arrived at after much discussion was that time-expired labourers should be left free to make their own terms, but should be forbidden to make a contract under the special Act, and the clauses sanctioning local contracts which had been entered in the draft Bill which subsequently became Act VII of 1873 (B.C.) were omitted. This Court left employers with no special contract law for local labourers, and in consequence Act XIII of 1859 came to be applied to time-expired as well as to indigenous and settled immigrant coolies.

The results were far from satisfactory. In the first place, although the Act of 1859 must be regarded as a penal labour law, it contains no provision for the protection of the labourers; and we agree generally in the principle adopted by the Commission which prepared the Bill subsequently passed as Act I of 1882, that if a labourer is allowed to subject himself to a penal law the Administration "must compel the employer to provide for his wants, must secure him his wage, must protect him against overwork, and must shield him against ill-usage of all kinds." Act VII (B.C.) of 1873 restricted the supervision of the authorities to newly imported labourers on Act contracts, and the Government had no *locus standi* as the protector of coolies engaged within the labour-districts. In the second place, it has been forcibly pointed out by Sir Charles Elliott (see paragraph 8 of this Despatch and paragraph 20 of our letter to the Bengal Government), that in the present circumstances of Assam no inducement short of permanence and solidity in the mutual relations of employers and labourers makes the interests of planters and coolies identical, or affords a sufficient motive to employers to incur much expenditure on the health and welfare of their labour force. Act XIII of 1859 contains no provisions specially directed against the desertion or enticement from one estate to another of labourers under contract, and the extent to which the practice of enticing and harbouring coolies contracted under this Act was carried on under the system established by Act VII (B.C.) of 1873 appears to have been disgraceful and demoralising to the labour-system. Thirdly, the Act of 1859 was of somewhat doubtful applicability to contracts for tea-garden labour, and the Courts not unfrequently hesitated to administer it in such cases. Consequently, when the question of revising the labour law was raised in 1880, complaints were made by planters and for the most part supported by district officers as to the unsatisfactory working of the local labour-system. Two proposals were then put forward, the first being to bring local contracts into line with other labour-contracts in the Act which might take the place of Act VII (B.C.) of 1873; and the second to frame a special law on the model of Act XIII of 1859 suitable to labour-contracts on tea-estates. About the same time the desirability of encouraging free emigration, by which we mean emigration conducted outside the official trammels of the Act, was prominently brought forward by the Bengal authorities, and the establishment of a system of local contracts, which free emigrants would be competent to execute on arrival in the labour-districts, was judged to be the most effective means

* Paragraph 17 of this Despatch. of promoting this object.* It was essential that new emigrants should enjoy all the protection and privileges of Act labourers, and it was considered desirable that these should also be extended to local coolies. It was finally decided in the interests of uniformity that there should be only one system of contracts, which all classes of persons should be competent to enter into under the special law. This decision, so far as time-expired imported labourers were concerned, practically involved a

return to the local contract system which had been in force under Act II (B.C.) of 1870. But whereas under the Act of 1870 it was compulsory on both employers and time-expired labourers to subject themselves to the obligations and protection of the special law, the Act of 1882 left it optional with them to do so or to contract under the ordinary law. Under the system of 1870 the contract might be a merely verbal one and no safeguards were provided: the Act of 1882 required that it should be in writing and on stamped paper, that it should be submitted for registration in the Inspector's office within one month after execution, and that it should be verified by the production of the contracting labourer before that officer on his next visit to the estate.

The decision arrived at was based on the following recommendations which had been made by Sir Steuart Bayley, the Chief Commissioner of Assam in 1880, and were fully concurred in by Sir Ashley Eden, then Lieutenant-Governor of Bengal (Paragraphs 35-37 of letter from the Chief Commissioner of Assam No. 2065, dated 28th October 1880):—

“The suggestion for remedying this state of affairs have to be considered. One is to permit agreements entered into locally to carry with them all the incidents of agreements entered into under Act VII. This would give the labourer the same protection in regard to his habitation, medical treatment, minimum wages, cheap rice, regular payment, and periodical inspection as the Act gives to labourers under Act VII. It would on the other hand bring him under the penal sections of that Act in regard to absence from work and desertion; but if the maximum rate of wages and the minimum term of contract were left entirely unfettered by the law, the Chief Commissioner thinks this would involve no hardship. The time-expired labourer is fully aware of his own value, and would not enter into such a contract unless the duration of it, and the bonus, and the rate of wages were such as he thought suitable; and it is probable that while the contracts would remain, as at present, for one year, the other incidents of contracts under Act VII would be accepted by both parties. The competition for local labour is so keen that the gardens which offered contracts for one year instead of for a longer term would probably command the market, or if the labourer accepted the longer period, he would do so only in consideration of a proportionately larger bonus, and in such an arrangement he is quite able to take care of himself. In any case the Chief Commissioner would insist on all contracts being registered, and on their being for a specified period, not for the performance of so many daily tasks.

“The other remedy is to have a special local labour law for Assam apart from Act VII. It is suggested that such a law, or rather a regulation under 33 Vict., Cap. 3. might be framed on the lines of Act VIII of 1859, including agreements made in consideration of a bonus as well as those made in consideration of an advance, provided that the bonus be substantial and not nominal; that in case of breach of the contract the law should give the Magistrate, not as in Act XIII the employer, power to decide whether the original contract should be performed or damages be given; that no prosecution should be permitted to be instituted after the expiry of six months from the cause of action accruing; that a contract to labour for a period not exceeding (say) three years should be expressly mentioned as one to which the Act is applicable; that a section analogous to Section 28 of Act VII (B.C.) of 1873 should be included fixing a fine or imprisonment as the penalty for enticing away or harbouring coolies under such contract, and empowering Magistrates to sentence to one month's imprisonment coolies who, while under contract, engage elsewhere. It would also have to provide for periods of wilful absence or of imprisonment being added by endorsement to the term of the original contract and provision would have to be made for the recovery of fines.

“Of the two alternative remedies the Chief Commissioner prefers the former. The latter, while bringing equally severe pressure in the shape of penalties to bear on the coolie, omits to give him the correlative protection which he would obtain under Act VII; and it is moreover desirable in Sir Steuart Bayley's opinion to have one local labour law rather than two concurrent laws in force in the province at the same time.”

11. The local contract system of Act I of 1882 has worked with very different results in the two great divisions of the labour-districts—the Surma Valley and the Assam Valley.* In the former local

contracts are usually entered into with newly imported immigrants and more rarely with time-expired or local labourers. The statistics furnished in pages 112-116 of the Assam Report show that 16,560 such contracts were entered into in this valley during the three years 1886-1888, of which 11,740 or 70 per cent. were those of newly imported coolies, 4,754 or 28·6 per cent. of time-expired coolies and only 66 of indigenous coolies. In the Assam Valley, on the other hand, excluding the contracts executed at Dhubri which stand on quite a different footing (see Section 9 of the Assam Report), 38,772 such contracts were entered into in this period, 27,734 or 71·5 per cent. being those of time-expired labourers, 6,174 or 15·9 per cent. of local coolies, and only 4,864 or 12·5 per cent. of newly imported coolies:

Number and class of coolies contracting under Sections 111-112 Act of 1882. *Period of such contracts.*

SURMA VALLEY.

Newly imported coolies : 11,740 or 70 per cent.	One year : 4,011 or 24·1 per cent.
Time-expired coolies : 4,754 or 28·6 per cent.	Two years : 1,484 or 8·9 per cent.
Locally recruited coolies : 66 or 0·39 per cent.	Three „ : 10,771 or 65 per cent.
	Four „ : 15 or 0·08 per cent.
	Five „ : 279 or 1·08 per cent.

ASSAM VALLEY.

Newly imported coolies : 4,864 or 12·5 per cent.	One year : 20,079 or 51·7 per cent.
Time-expired coolies : 27,734 or 71·5 per cent.	Two years : 8,622 or 22·2 per cent.
Locally recruited coolies : 6,174 or 15·9 per cent.	Three „ : 8,309 or 21·4 per cent.
	Four „ : 319 or 0·8 per cent.
	Five „ : 1,443 or 3·7 per cent.

the last head would include many dependents of Act immigrants who are put under contract at Dhubri; their dependents would naturally on arrival at the garden enter into engagements for the same term as those on whom they depended, i.e. generally for 3 or 5 years. The periods of contract and the number and proportion of contracts for each period are noted on the margin. In the case of newly imported labourers the period of contract is usually not less than three years, as any shorter term would not repay to the employer the expense of assisting the labourer to emigrate. In the case of the vast majority of time-expired and local labourers the contracts are for shorter terms and are preceded by the payment of a bonus proportionate to the length of the engagement. In the Assam Valley more than half the entire number of engagements were for only one year, and nearly three-fourths for two years or less. In estimating the disabilities which these engagements impose upon the coolie, regard should be had to the provisions of Section 142 of Act I of 1882, which permit a labourer to purchase his discharge from his contract. A one-year contract may be redeemed by the payment to the employer of Rs. 12, a sum not much, if at all, in excess of the bonus ordinarily paid to a man on entering into such contract, and a two-years' contract by the payment of Rs. 48, a sum which represents in many cases about double the amount of bonus received for entering into an engagement for this period. † The antici-

† Paragraphs 82 (page 101) and 83 (page 105) of the Assam Report. pation of Sir Stuart Bayley, that time-expired labourers would be found quite able to take care of themselves in making engagements, or at

all events that they would not enter into contracts for periods longer than one year except in consideration of a proportionately larger bonus,

has thus been realised in a very remarkable manner. The late Chief Commissioner judging from the experience of recent years fully endorsed this view. He observed that "the labourers concerned are well acquainted with the conditions of garden life and garden work, and understand their position under the Act; and there is little chance of their being induced or deceived into entering into contracts which they are not willing to execute," and that "when the renewals are for long terms it is rather at the request

* Paragraphs 53 (page 65) and 100 of the coolie in consequence of his (page 127) of the Assam Report. desire to obtain a larger bonus to meet some immediate want, such as to get married or to buy cattle with which to start cultivation." *

We must not be understood as suggesting that no sort of pressure is ever put upon labourers, whose term is drawing to a close, to induce them to renew their engagements. But such pressure may be of a legitimate character or it may be improper and verging on coercion. In the former case there is no occasion for interference. After a careful examination of the papers before us, we have come to the conclusion that anything approaching to coercion is a very uncommon occurrence, while such cases are likely to become rarer under the more stringent system of inspection which we have advocated in our letter to the Chief Commissioner of Assam. We see no reason to doubt that these old coolies are well aware of their rights and can easily resort to the local Magistrate if they have cause for complaint. But most of them have formed connections of some sort on the garden to which they have been attached for at least three years, and are willing enough to accept a reasonable bonus and remain among their friends.

12. The point which we now have under consideration is not the total abolition of the local contract system but its restriction to newly imported coolies. We apprehend that any attempt to restrict local contracts under the Act to particular classes of coolies determined with reference to their place of recruitment or the length of their residence in the Assam Province would be attended by great difficulties in its practical working. The settled immigrant population in the labour-districts is annually increasing; almost the entire labour-force of tea-gardens consists of immigrant coolies; and in the most important tea-districts—Sibsagar, Cachar, Lakhimpur—the immigrant classes number from one-third to a half of the total population. At the same time free or assisted emigration is being more largely resorted to and a beginning has been made in unassisted emigration. The free emigrants thus brought up enter into local contracts in the labour-districts. We fear that the difficulty of ascertaining in particular cases whether an immigrant has been only recently imported or not would either leave an opening for the evasion of the proposed restriction, or, on the other hand, if strict proof were required in each case that an immigrant who proposes to execute or has executed a local contract is really a new immigrant, that it would place serious hindrances in the way of the expansion of free emigrants.

As regards the alternative question, whether a new law, based upon section 492 of the Penal Code †

† Appendix I to the Assam Report. or Act XIII of 1859, and adapted to suit the requirements of tea-gardens might not be substituted for Sections

111-112 of Act I of 1882, either generally or in respect of coolies other than new importations, we consider that the suggested change is open to the further objection that it would destroy that uniformity in the labour system which was thought so desirable in 1882. When once it is admitted that a special local contract law of some kind is required, we are of opinion that the necessity for uniformity still outweighs any

consideration which has been advanced in favour of a change. Under the new law there would be different classes of coolies living and working side by side on the same estate under entirely different sorts of contracts, subject to different penalties and disabilities, and enjoying different rights as to sanitation and general treatment and different claims to protection by the authorities. Such a system could hardly fail to give rise to much administrative inconvenience in practice, and might also lead to a tendency on many gardens to be content with the lowest standard recognised by the law in sanitary and medical arrangements and the general treatment of the labour-force. This the authorities would not be in a position to prevent, as the lower standard would be expressly recognised by the law, and local and time-expired labourers would even be expressly debarred by law from coming under the protection and advantages of the higher standard. At present Act I of 1882 prescribes the standard for all gardens and for all classes of labourers. Act XIII of 1859, as has already been pointed out, is only suitable to a special class of cases. It is worked as a part of the ordinary law, it is wholly outside the special labour Act, and consequently it has not

* Paragraph 120 of the Assam Report.

Paragraph 41 of the Assam Circular of enquiry enclosed with Despatch No. 11 (Emigration) of 22nd June, 1889.

the same effect of introducing a variable standard as any special provision or other form of contract embodied in the special law would have. We observe that Sir Stuart Bayley's objection to parallel laws and different standards was shared by the late Mr. Quinton and apparently also

by Sir Dennis Fitzpatrick;* and it appears to us an objection of great weight.

For the reasons stated above we have decided not to make any essential change in those provisions of Act I of 1882 which permit both local and time-expired labourers to enter into contracts under the Act. It has, however, occurred to us that the objections to renewed contracts and those entered into with natives of the province being made under the Act might be removed if such contracts were restricted to one year. The statistics already quoted in the preceding paragraph show that approximately half of these contracts are already made for that term, and we understand that this is the common practice of employers, who take a local or time-expired labourer on a longer engagement only when he himself desires a larger bonus. It seems probable, therefore, that the change would not meet with any opposition from Planters; but before finally deciding in regard to it we have referred the matter to the Chief Commissioner of Assam for opinion, especially with reference to the question whether the difficulty of distinguishing between new and time-expired immigrants, or between old immigrants and the dependants of Act labourers who give an engagement for the first time, is likely to prove insuperable.

13. So far then as the Province of Assam itself is concerned, our conclusion is that the working of the labour law, except in regard to the matter of mortality among new immigrants, has been generally satisfactory. No doubt in some exceptional cases labourers have been treated with injustice or cruelty by their employers, or from other causes are placed in an unfavourable position on a garden. Our latest returns are for 1890, when the Province contained about 900 tea-estates supporting a labour population of over 400,000 souls; and in any class of operations conducted on so large a scale there must necessarily be a certain number of bad cases on both sides. The Provincial Reports issued from time to time show that exceptional instances of this kind are fully noticed and suitably dealt with as they occur. The law empowers the Administration to exercise the most complete supervision

over the relations of Planters and their Act coolies. But while we admit that executive action in Assam has on the whole been efficient, there are two points in regard to which we think that the procedure should be strengthened. In the first place, we do not consider that the amount of inspection performed is sufficient for certain classes of gardens. There has doubtless been an improvement in this direction in recent years; but we are of opinion that much more frequent visits should be paid to gardens which from situation or the returns of mortality appear to be unhealthy, or on which free immigrants enter into local contracts requiring verification by the Inspector under Section 111 of the Act, or from which complaints are received from the labour-force, or where from the antecedents of the employer or otherwise there is reason to suppose that the labourers are in danger of ill-treatment. The standing instructions prescribe a lengthy and tedious procedure for inspections, and we have asked the Chief Commissioner whether he would have any objection to curtailing this in the case of gardens where none of the above conditions exist and which are known to be healthy and popular with coolies, so as to afford more leisure to the inspecting staff to deal thoroughly with gardens requiring more frequent visits. A second or subsequent visit even to these gardens would clearly be more profitable if the Inspector were freed from the encumbrance of a long and formal routine enquiry, and able to devote more attention to special points. The particular measures which we propose to take to ensure a more complete verification of local

* Paragraphs 93 to 96 (pages 115-121) of the Assam Report.

contracts* are described in paragraphs 17 and 18 of our letter to the Chief Commissioner of Assam. Section 111

of the Act permits employers and labourers to enter into direct engagements without the intervention of a public officer, such engagements being, however, subject to subsequent verification by the Inspector on his visiting the estate and liable to cancellation on sufficient cause being shown. The statistics show that many of these engagements remain unverified owing to the failure of the contracting labourer to appear before the Inspector on his visit to the estate. The amendments which we propose to make in the law will ensure the production before the authorities of every such labourer. The employer will be bound under a criminal penalty to forward immediately to the Magistrate or Inspector any labourer who has not appeared before the latter officer during his inspection of the estate. But while we cannot rest satisfied so long as a single contract requiring verification remains unverified, we do not find that the actual results of verifications are in any way unsatisfactory. Your Lordship will observe from paragraph 93 (pages 115-117) of the Assam Report that against 38,080 contracts verified and admitted during the three years 1886-1888, only 334 or 0·87 per cent. were cancelled for one or other of the various reasons enumerated at the end of the 94th paragraph.

In the second place, we are not satisfied that sufficient use has been made of those provisions of the law†

† Sections 128-133, Act I of 1882. which empower the Administration after enquiry under a certain procedure

to cancel a labourer's obligation to labour on an unhealthy estate. The mortality among new immigrants is a serious evil in the labour-system, and we think that unhealthy gardens should be more rigorously dealt with than appears to be the practice. The Assam Report contains no information as to the cases in which the coercive processes provided by the Act in this behalf have been put in force, and the employment of contract-labourers, or of any classes of contract-labourers, has actually been prohibited on estates condemned as unfit for their residence. It appears that all unhealthy estates are annually inspected by the District Medical Officer in addition to the ordinary inspections.

under a procedure similar to that of Section 130, and doubtless such inspections are beneficial in detecting sanitary defects and enforcing improvements; but the Report does not show what action in the direction of closing gardens to contract-labourers has been taken. We believe that such action has been taken from time to time, and we have called for particulars on this point. We have also asked the Chief Commissioner to report if some more summary method than those prescribed in the Act could not be devised for closing gardens which appear to be so unhealthy as to require exceptionally urgent treatment, and to suggest any measures which, in his opinion, can be taken to prevent new emigrants being employed on gardens or sites known or supposed to be unhealthy.

14. In our letter to the Chief Commissioner of Assam Your Lordship will find the amendments which, as at present advised and subject to additions or modifications on receipt of further reports from Bengal and Assam, we are prepared to make in Act I of 1882. We believe that our proposal to reduce the maximum period of contract from five to three years will, in view of the objection taken to the Act on this point by Lord Hartington in 1882, meet with your approval. We have decided to adopt this amendment not so much because the longer maximum has been shown to lead to evil results, as because it is taken advantage of chiefly in respect of a class of recruitment, called *arkati* recruitment, which we desire to discourage, and also because we believe that a three-years' contract is all that is required for well-managed and popular gardens. Many of the amendments proposed will have the effect merely of bringing the law into conformity with the practice, executive action in Assam having in material respects supplied the omissions in the Act of 1882.

15. Turning now to the recruiting Provinces, it appears that in the North-Western Provinces and Oudh the system established by the Act has worked well. Emigration from these Provinces is chiefly carried on free from official control, and between certain districts and the tea-gardens in Sylhet the begin-

* Paragraphs 13 and 16 of the Assam Report. nings of spontaneous emigration have been established with excellent results.* We see no reason to accept

the suggestion made in the final paragraph of the Bengal Report, that abuses in recruitment remain undiscovered in the North-Western Provinces owing to want of attention on the part of the local authorities.

In Bengal, on the other hand, the system has worked in a less satisfactory manner and has given rise to the evils referred to in paragraph 2 of this Despatch. The defects in the sanitary control over the transit of free emigrants have been removed by the action taken under Bengal Act I of 1889; and we now proceed to consider the measures which should be taken for the repression of abuses and malpractices in recruitment.

16. It will be convenient, first, to remind Your Lordship that labourers for Assam are ordinarily recruited in one or other of the following different ways:—(1) through licensed professional suppliers of labour, known as Contractors, under Chapter III of the Act; (2) through certificated (or licensed) non-professional persons, known as garden-Sirdars, who are ordinary coolies sent down from the Assam gardens for this purpose, under Chapter IV of the Act; (3) through unlicensed professional suppliers, contractors, recruiters, &c., outside the Act; (4) through uncertificated (unlicensed) Sirdars and coolies sent down from Assam to recruit outside the Act; (5) by spontaneous emigration, unassisted or partly assisted, originating from the labourers

themselves, and effected without the intervention of regular recruiting agency. The first and second modes are known as "Act" recruitment, and the rest as "non-Act" or "free" recruitment. The second and fourth modes are known as "Sirdari," and the first and third as "Contractors'," recruitment; the third mode is further known as "Arkati" recruitment, the term *arkati* being employed to designate the unlicensed professional recruiter. The labourers obtained under the Act recruitment system are first registered in the district of recruitment before a public officer, and then placed on contract under the provisions of Chapters III and IV of the Act before being taken to the labour-districts of Assam. Non-Act recruits proceed to Assam as "free" emigrants (by which is meant that there is as yet no contract binding under the Act between them and their employer), and after arrival in the labour-districts enter into a local contract under Sections 111 or 112 of Act I of 1882, or under Act XIII of 1859, or remain as free labourers on mere civil contracts. No contracts appear to be taken from free emigrants having express reference to Section 492 of the Indian Penal Code; but recent discussions have brought that provision of the law into prominence, especially in connection with recruitment from the Madras Presidency, and there is a probability of its being used in future in the case of recruitment from Provinces to which the Act of 1882 does not apply.

17. From the commencement of Assam labour-legislation to 1873 free or non-Act recruitment was prohibited under a penalty. Free emigration, in the limited sense of the unassisted and unsolicited movement of labourers individually

* Section 40, Act III (B. C.) of 1863. Section 118, Act II (B. C.) of 1870: or in small bodies to the labour-districts, was permitted; * but the Act of 1873 for the first time allowed free recruitment and assisted emigra-

tion, subject however to the restrictions that such recruits should only be competent to enter into contracts under the ordinary law (not under the special Labour Act), and that no contract to labour for a longer period than one year should be bind-

+ Section 7, Act VII (B.C.) of 1873. ing on the emigrants.† The Act of 1882 removed these restrictions and permitted the execution of local con-

tracts under the Act within the labour-districts by all persons, whether natives of those districts or immigrants, and irrespective of their mode of recruitment or importation. The only form of recruiting recognised by the earlier Acts was Contractor's recruiting. Sirdari recruitment was first permitted on a limited scale, and subject to many restrictions by the Act of 1870; the Act of 1882 released it from these restrictions and set it up as an independent form of recruitment parallel to Contractors' recruitment.

Having regard to the course of legislation, Your Lordship will observe that the Act of 1882 merely embodied an advance in our general policy of gradually lessening the scope of Government interference with emigration. One of the principal objects of the Act was to encourage free emigration by releasing it from official restrictions, and so to prepare the way for the time when the special law could be abandoned. Its secondary objects, subsidiary to this main purpose, were, first, the establishment of local contracts under the Act, with a view to afford a sufficient inducement to employers to advance the expenses incurred in assisting the emigrants to Assam; and secondly, the encouragement of Sirdari recruiting by removing the restrictions which had hitherto applied to it, and thereby placing it in a better position to compete successfully with, and eventually to supersede, Contractors' recruiting. It was well understood that the free emigration brought about by the

Act would for a long time to come be only assisted emigration; but it was hoped that as that gradually developed with the help of suitable recruiting arrangements into unassisted and spontaneous emigration, and as communications between the recruiting areas and the labour-districts improved, the necessity for special legislation to promote emigration would gradually disappear; and the means which was considered best calculated to lead to the form of emigration desired was the substitution, as the medium of recruitment, in the place of professional recruiters with no knowledge of and no interest in the labour-districts, of garden-Sirdars and coolies themselves engaged in tea-garden labour, acquainted with the conditions of life on tea-gardens, and more likely to be in touch and sympathy with the emigrating classes.* The opening for unassisted

* Paragraphs 13 and 15 of the Assam Report. emigration allowed in the Acts of 1863 and 1870 had been wholly inoperative, for the reason that the only

classes desirous of emigrating are those who or more or less in distress in their own homes, and quite unable to pay the expenses of conveying themselves and their families to Assam. The permission given to assisted emigration by the Act of 1873 had led to practically little better results, inasmuch as the one year's civil contract enforceable under the ordinary law, which was the only engagement that free recruits were legally competent to execute, was altogether insufficient security to the employer for the outlay incurred in assisting them to emigrate. To afford a sufficient inducement to employers to incur this outlay, it was necessary that assisted emigrants should be declared competent to execute agreements under the Act; and for this reason, as well as in order to obviate a recourse to a doubtful and one-sided enactment

† Paragraphs 4 to 6 of Despatch to Secretary of State, No-18, dated 17th July, 1886.

(Act XIII of 1859),† a system of local contracts, carrying with them, as regards both employer and labourer, all the incidents and obligations of contracts under the special law, was established by the present Act.

18. In considering the effect of these changes on the importing Province, it is necessary to bear in mind that the labour-districts of Assam group themselves into two distinct divisions, separated by a range of hilly country. The Southern division, known as the Surma Valley, contains the Districts of Sylhet and Cachar, and is practically a remote part of Eastern Bengal; it is closer to populous tracts, itself comparatively well-peopled, and more easily accessible; and the severe competition for labour does not begin till the labour-districts themselves are reached. The Northern division contains the Districts of the Assam Valley on either side of the Brahmaputra; these are sparsely peopled, largely forest-clad, and remote; and the scarcity of labour and competition for labour throughout the Valley is excessive. Most of the tea-gardens

‡ Paragraph 63 of the Assam Report and Map attached. are in the upper districts and at a distance of several days' journey by river and road from Dhubri,‡ which

is the first station in the Valley reached by emigrants in their journey from Bengal, and has been well termed the 'gate' of Assam. These physical differences in the two Valleys have given rise to corresponding differences in the conditions of immigration and labour. In the

§ Paragraphs 10, 11, 13, 16, 44, 82, and 201 of the Assam Report. Surma Valley, § although the Act was largely resorted to in the years immediately following its introduc-

tion, the system has now developed into one of non-Act recruitment and free emigration. Free emigrants proceed as such to the tea-plantations, where they enter into local contracts chiefly under the Act, but also on many gardens under Act XIII of 1859 or under the

ordinary civil law. Sirdari recruitment and assisted emigration is the general practice, but in the case of many of the more popular gardens the sirdari system of family recruitment has led to a development of unassisted emigration. As a rule, new immigrants only are placed under Act contracts, old coolies renewing their engagements under Act XIII of 1859 or under the ordinary civil law. The system is one of short contracts for terms rarely exceeding three years. There is a tendency towards the disuse of the penal clauses of the Act, and on gardens which can recruit to any material extent through unassisted emigration penal contracts are being superseded by free labour under mere civil contracts. In all these respects the Sylhet District from its superior natural advantages is more advanced than Cachar. The objects of the Act are thus already being fulfilled in this part of the Province, particularly in Sylhet, and the system is gradually developing into one which will render special

* Paragraphs 19 and 83 of the Assam Report. legislation unnecessary. In the Assam or Brahmaputra Valley,* on

the other hand, owing to the length of the journey and the immense competition for labour, free emigrants cannot be conveyed as such beyond Dhubri, and they are placed on Act contracts at that station under the procedure described in the 9th Section of the Assam Report. Old coolies as well as new immigrants are ordinarily put under Act contracts (though for short terms—one year or two years), to prevent their being enticed away to other gardens. Contracts with new immigrants for the maximum term of five years are common; there is practically no free labour at all, and recruitment through contractors is much more resorted to than in the Surma Valley owing to Sirdari recruitment failing to suffice for the ordinary labour requirements of gardens. This part of the Province is much more backward than the Surma Valley, but the first steps in the development contemplated by the Act have been reached in the expansion of family recruitment and assisted emigration.

19. But while the Act system has worked not altogether without success in these respects, the sudden impetus given to non-Act emigration by the withdrawal of all restrictions has brought into prominence a body of unlicensed and professional recruiters, known as *Arkatis*, working independently of all control. These men are ordinarily villagers of the same class as the labourers themselves, and probably always existed as intermediaries between the licensed recruiters and their recruits; but the development of free emigration and the growth of unlicensed professional recruitment, as opposed to the licensed contractor system of former Acts, has increased their numbers and given them an importance which did not before attach to them. They are described as being in many instances men of bad character, and their operations have brought discredit on the system and led to the prevalence of abuses and malpractices in recruitment. It appears that garden-Sirdars and licensed recruiters not unfrequently work in co-operation with these persons, and that the association has communicated the evils of the *arkati* system to other modes of recruitment.

20. The question of abuses in recruitment is discussed at length both in the Bengal and Assam Reports. We do not think that they are altogether new, but the energetic action of recent years has brought them into greater prominence. These abuses are reported to be of two classes: first, those to the prejudice of the employer, and secondly, those to the prejudice of the labourer. The first class includes such practices as the enticement, or systematic appropriation of recruits, absconding after taking advances, change of coolies *en route*, bad coolies being substituted for good ones, false description of coolies, &c. The second class consists of the forcible kidnapping of labourers.

enticement by fraud or misrepresentation. A third class of abuses brought to notice is the voluntary resort to emigration by females and young persons to rid themselves of family ties. In the 11th paragraph of our letter to the Bengal Government will be found our conclusions as to the extent to which these malpractices prevail to the injury of the labourer. We believe that they have been much exaggerated both as regards their character and their prevalence. We are of opinion that crimes of violence, which have undoubtedly occurred within the recruiting districts though we can find no evidence of a labourer having been taken by force so far as Assam, have diminished considerably, if they have not disappeared altogether, since executive action was first taken for their repression, and we see no reason to doubt that this kind of malpractice can be effectually controlled by the Police and District authorities under the ordinary law. The remaining forms of abuses are unfortunately inseparable from any system of emigration conducted on an extensive scale, and we can never hope to be able to prevent a certain amount of exaggerated promises or misrepresentations of the life on the Assam plantations being held out as an inducement to the emigrant, or recourse being had to emigration in occasional cases by persons who wish to rupture family connections; but in so far as these evils are now aggravated by the example and operations of persons of the *arkati* class, we agree with the Bengal Government and Sir Charles Elliott that determined remedies are required for their suppression.

21. The remedies proposed by the late Lieutenant-Governor,* briefly stated, involve the compulsory initial registration of the labourers in the districts of recruitment as a condition precedent to their executing a contract under the Act, and the prohibition of all recruiting for the purpose of placing labourers under Act contracts except by persons duly licensed under the Act as recruiters. Unregistered or free emigrants would be able to contract under the ordinary law, including Act XIII of 1859; but they would not be competent to execute a local contract under Act I of 1882 until they had been proved to have resided at least two years in Assam. These proposals imply an abandonment of the policy of Act I of 1882, in so far as it released emigration from official restraints and established the local contract system.

In the 8th Section of the Assam Report the Chief Commissioner states the grounds on which he considers the application of these proposals to Assam to be inexpedient and impracticable; and in paragraphs 9 to 17 of our letter to the Bengal Government, and paragraphs 5 to 8 of Sir Charles Elliott's Minute, Your Lordship will find a statement of the reasons for which we are unable to accept them. We cannot sanction a measure which would involve so retrograde a step as the reversal of our entire emigration policy, and which would not only replace restrictions on emigration generally by forcing it back from private to officially controlled channels, and thus check the growth of assisted emigration, but would also disturb the relations existing between employers, labourers and the Government, and throw back the progress towards a system of free labour which has taken place in the Surma Valley. We apprehend too that the changes proposed would prove an ineffective remedy for those kinds of malpractices in recruitment which most call for repression, where the labourer, though under the influence of enticement or deception, is at the time of registration willing to emigrate, while on the other hand they would lead to a revival of those vexations and evils arising out of official interference which made emigration unpopular and led to the condemnation of the system of compulsory initial registration in 1882. The very same evils were found to be inseparable from such a system when our colonial emigration rules came under discussion in 1883. A special investigation was made in that year by selected officers in Bengal and the North

Western Provinces, which elicited that there was a general hostility on the part of officials to the recruiters, who were frequently impeded in most objectionable ways by the police and underlings of the courts, that registration before the Magistrate was by no means a sure preventive of malpractices in recruitment, and that the Magisterial officers had not sufficient time to attend properly to registration business.

22. An alternative proposal made in the 9th Section of the Assam Report proceeds on the principle that the operations of unlicensed recruiters and *arkatis* would be checked by enforcing initial registration in the district of recruitment in the case of labourers who are to be placed under Act contracts at Dhubri for performance in the Districts of the Assam Valley. But the Chief Commissioner was personally satisfied as to the beneficial working of the Dhubri system, and only put forward this suggestion as an alternative to the Bengal proposal in case it should be considered that the evils of unlicensed recruiting were too great to be controlled by executive action. In paragraphs 10 to 13 of our letter to the Chief Commissioner of Assam we have stated our objections to this alternative suggestion, which are similar to those taken against the Bengal proposal. We fully concur with Sir Charles Elliott's opinion as to the usefulness and advantages of the Dhubri system, both in the encouragement it gives to assisted emigration and in the check it affords to fraudulent and unsuitable recruitment by the attestation of contracts at the "gate" of Assam. Sir Charles Elliott has suggested that a similar procedure should be followed at Goalundo, the "gate" through which all emigrants pass on their way to the Sylhet and Cachar Districts; but having regard to the progress which is being made in the direction of free emigration and the disuse of the Act in the Surma Valley, and to the possibility of our being able to remove that part of Assam from the Act when railway communication is completed, we are unwilling to take any step which might encourage a more extended resort to the Act in those Districts.

23. In our opinion the remedies to be applied must be consistent with our general emigration policy. Restrictive legislation, even if it effects a temporary good, must inevitably impede the flow of labour and delay the time when a special labour law can be abandoned. Free recruitment must precede free labour. To attain this result and at the same time to guard against malpractices, there must be the most complete absence of restrictions upon emigration, combined with the most complete executive supervision in the recruiting districts, along the emigrant routes, and in the importing Province. The probability of communications between the labour-districts and the recruiting Provinces being facilitated and cheapened in the near future by the construction of the Assam-Chittagong Railway affords an additional argument against taking any step at the present time which is likely to work unfavourably to the extension of assisted emigration. The measures which we propose to take, and which will operate not only towards the prevention of the malpractices in recruitment which now prevail to the prejudice both of the employer and the labourer, but also towards the improvement in other respects of the administration of the system, may be classed under four heads.

In the first place, we propose to strengthen executive action in the recruiting districts. As to the precise measures to be taken in this direction, we can come to no final conclusion till we receive Sir Charles Elliott's reply to our present reference; but we have no doubt that very much stronger action than is taken at present for the surveillance of *arkatis* and the prevention of malpractices is within the powers of the district authorities and the Police under the ordinary law.

Secondly, we propose to strengthen precautions along the line of march and especially at the "gates" of Assam. All emigrants to Assam

must pass through either Dhubri or Goalundo. At Dhubri supervision can be exercised directly under the Act, and from there to the gardens of the Assam Valley emigrants travel as Act labourers under elaborate arrangements which admit of ample protective measures being taken.* In

* Paragraphs 59-62 (pages 74-78) of the Assam Report. the 13th and 14th paragraphs of our letter to the Chief Commissioner will

be found our proposals for improving the Dhubri system. The supervision along the route from the recruiting districts to Dhubri and Goalundo, and from the latter point to the gardens of the Surma Valley, can be exercised under the powers conferred by the Bengal Sanitary Act of 1889.† Rules under this Act

† Paragraph 2 of this Despatch. are already in force in Bengal; and the Assam Administration has recently framed rules for controlling the transit of free emigrants in the Surma Valley which can by degrees, as the use of small boats is superseded by steamers for the conveyance of emigrants, be brought up to the standard of supervision maintained in the Assam Valley.

Thirdly, we propose to improve the inspection system in Assam,

‡ Paragraphs 17 and 18 of letter to the Chief Commissioner, Assam. and we have addressed the Chief Commissioner‡ with a view to his arranging for more frequent visits to

gardens to which new coolies are taken up as free emigrants and for a complete verification of their local contracts. Indirectly also the measures which we propose to take for the more frequent inspection of unhealthy gardens and against the employment of new coolies on unhealthy sites will place the local officers in a better position to detect cases of wrongful recruitment. We also propose to strengthen in certain respects the powers of inspecting officers, to empower the local Government summarily to cancel contracts in suspicious cases, and to embody in the Act a complete repatriation scheme which will legalise and place beyond doubt the present practice of returning to their native districts any immigrants who are found to have been illegally or fraudulently imported.

Lastly, we look forward to the improvement and cheapening of communications, which experience has shown to be the most certain corrective of abuses in recruiting. Much has been done in this direction since 1881 by the opening of the Kaunia-Dhubri and Assam-Bihar Railways and the establishment or acceleration of regular steamer services from Goalundo and Dhubri to Upper Assam and from Narainganj in Eastern Bengal to the Surma Valley; and a considerable stimulus has thus been given to assisted emigration and to some extent to spontaneous emi-

§ Paragraphs 26 and 51 of the Assam Report. gration,§ not however unattended by evils in the present transitional stage. But the improvements hitherto

made have only brought the recruiting districts within tolerably easy access of the fringe of Assam; and from there to the tea-gardens is a long journey involving a difficult and expensive system of transport, which precludes the unassisted movement of labourers on a large scale. The Superintendent of Emigration in Bengal writes that under present arrangements "the classes from which the coolies are taken are incapable of planning and carrying out unassisted the details of the journey to Assam, nor have they the money to do so." As facilities of transit are extended to the more important tea districts we are confident that the necessity for the employment of a recruiting agency will gradually disappear, and the increasing stream of emigrants between the tea-plantations and the recruiting areas will effectually close the door to the malpractices of recruiters by making the emigrating classes thoroughly familiar with all the details of life in Assam.

24. We come now to the question whether special labour legislation can be abandoned. We have not been unmindful of Your Lordship's decision that such legislation can only be regarded as temporary. Our whole policy in recent years has aimed at the removal of artificial restrictions and penal contracts as soon as a sufficient flow of labour has been ensured. In 1883 we repealed the Burma Labour Law, leaving the movements of labourers to that Province and their employment there free from all control. In 1888 we sanctioned the complete withdrawal of those provisions of Act I of 1882 which relate to labour-districts from the two Bengal districts of Chittagong and the Hill Tracts. But in Assam the time has not yet come when this step can be taken in the interests either of the labourer or of the Planter. A special Act is necessary, as well for the labourers in the recruiting districts who are desirous of emigrating but cannot do so without assistance, as for the Planter who could not afford at the present high cost of importation* to give such assistance, except

* Paragraphs 17 and 23 of the Assam Report. on a very inconsiderable scale, without the security of the penal contract. From the point of view of the

Administration, the Act is essential both for the protection of the new immigrant during the period of his acclimatisation in Assam (a matter in regard to which we propose to strengthen the supervision) and generally as enabling the Government to control the relations between employers and labourers; and we have already pointed out that the advantages of such control are not confined to labourers under the Act, for the Act prescribes a certain standard which must be maintained on all gardens, and the benefits of which spread also to labourers who are not under the Act. It was suggested by Sir Steuart Bayley that the Act should be withdrawn from the Sylhet District. In paragraph 4 of our letter to the Bengal Government we have stated our objections to this proposal; while paragraph 35 of our letter to the Chief Commissioner sets out our reasons for not acceding to a somewhat similar proposal made by the Assam Administration, that power should be taken for excluding individual gardens from all or certain provisions of the Act. The Act is from natural causes gradually working its way to extinction in the Sylhet District; and we think it inexpedient to force on a sudden disruption of the conditions of labour and the relations of employers and labourers before the time is fully ripe for the change. This can only be when railway connection is established and communications cheapened so as to admit of the unrestrained movements of labourers at their own cost, and at small expense, backwards and forwards between the labour-districts and the recruiting areas. Then only will the labourers be in a position to make their own terms and protect themselves, and employers to dispense with penal contracts and offer higher wages in lieu of paying the cost of importation.

We think it possible that, if the present progress in the development of assisted towards unassisted emigration is continued, we may be able to exclude the two important districts of Sylhet and Cachar, which employ nearly half the entire labour-force of the Province, from the operation of all but the statistical provisions of the Act as soon as the Chittagong-Assam Railway is constructed through the Surma Valley. But we consider that the present time is inopportune for attempting to establish free labour or any other substantially new system. During the construction of the railway the demand for labourers will be much in excess of the supply locally procurable, and there will necessarily be a certain disorganisation of labour on tea-estates. At such a time it would in our opinion be most unsafe to withdraw any part of the control exercised by Government over the relations between employers and labourers, or to introduce a new system which could hardly be expected

jected. We are most anxious that the transition to free labour should not be prematurely forced on, but should take place under circumstances which may ensure the satisfactory establishment of the new system. When the railway has been constructed and been some time at work, the position may with advantage be reconsidered with a view to making such material changes in the law as may be necessary or desirable in the altered circumstances. Meanwhile we shall be prepared to exclude from the operation of the Act any districts or sub-divisions of districts which the Chief Commissioner may consider to be sufficiently advanced for this step.

25. We are convinced that the labour system established by the Act is working in a manner on the whole creditable to planters as a body, and to the advantage as well of the employer and of the Province of Assam as of the immigrants themselves and the recruiting Provinces. Successive Chief Commissioners have assured us that the condition of the garden-coolie is far superior to that of the masses in his native district. The principle of attaching a penal sanction to civil contracts of labour is not foreign to the ordinary law of this country or to the law of other countries similarly circumstanced. The penal labour contract has only recently been abolished in Burma. There are labour ordinances in the Straits, Ceylon and the Colonies in many respects not less rigorous in exacting compliance with labour contracts than Act I of 1882. Act IX of 1860 is a penal labour law in favour of the Government in India. Act XIII of 1859 and the Penal Code embody penal provisions for ordinary contracts of labour in India generally; but in the present backward circumstances of Assam these are insufficient either for the planter or labourer, or for the satisfactory working of the system. The defects in the working of Act I of 1882, whether in Assam or in Bengal, in our opinion arise less from the law itself than from the manner in which it has been administered. The necessity for such close executive supervision as we now perceive is required over the recruiting operations of a large class of recruiters was not previously foreseen. When emigration was thrown open in 1882 and the restrictions placed upon recruitment by the special law were relaxed, no corresponding effort was made during the transitional stage to render more stringent and complete the control which is capable of being exercised in the matter under the ordinary law, or to watch the new system narrowly in its inception so as to correct by executive action the defects brought to light. As a result, the defects had to some extent degenerated into abuses as regards the recruitment and sanitation of free emigrants, before adequate remedial action was undertaken. The defects in question have now been partly removed by legislation; and we propose to amend the Act with a view to correct those which remain and to supply the omissions which experience has shown to exist in the working of the present system.

26. It may be convenient that we should sum up briefly our conclusions on the whole case as set forth in this Despatch, which has unfortunately, owing to the complicated details to be dealt with, extended to great length. The subject naturally falls under two heads, that of emigration, relating to the recruiting districts, and that of contracts, relating to the labour-districts.

As regards the recruiting districts, the officially controlled emigration which was practically the only system in force before the present Act was passed has now developed into a system of free or privately assisted emigration. The development has been attended by certain abuses, and for the repression of these we propose to take the measures described in the 23rd paragraph of this Despatch. The abuses, however, are to a great extent incident to any system of emigration, and many of them were probably not less rife under the former system of official control. Connected with free emigration are the systems of

Dhubri contracts and local contracts as sanctioned by Sections 111 and 112 of the Act. The Dhubri system, under which free emigrants to the Assam Valley enter into contracts on arrival at that station, has grown up in a manner which was, it is true, not altogether contemplated by the framers of the Act; but it has grown up naturally and spontaneously, and we see no reason to suppose that it has led to evil results. On the contrary, we agree with Sir Charles Elliott that it is highly beneficial as a check to fraudulent and unsuitable recruitment. We have decided to continue and improve it in the manner stated in paragraph 13 of our letter to the Chief Commissioner of Assam. The measures which we propose to take to safeguard the local contract system as carried out in the case of free emigrants to the Surma Valley will be found in paragraph 15 of our letter to the Bengal Government. We are altogether opposed to Sir Stuart Bayley's proposal for a retrogression to the former system of officially controlled emigration. We think that the general measures which we have decided to take for the repression of abuses and the special measures contemplated in connection with Dhubri and local contracts will amply suffice, with more efficient executive action, to keep in check the malpractices of recruiters.

As regard the labour-districts, we agree with the Assam Administration that the maintenance of the present contract system is still essential in the interests of all parties concerned. No comparison can fairly be drawn between the circumstances of the labouring classes in the United Kingdom and those of Indian labourers in a remote and undeveloped part of the empire. In the former the working classes are in a position to help themselves, and Government interference is resented; in the latter, as elsewhere in India, the intervention of Government is not only necessary, but is expected and welcomed by the labourer, who has not yet learnt to stand alone. Several defects in the law of greater or less importance have been brought to notice; and we propose to correct these and to improve the labour system generally by making the amendments mentioned in our letter to the Chief Commissioner of Assam. Side by side with Act I contracts another system of contracts, not recognised by the special law, has come largely into use, based upon Act XIII of 1859. We have pointed out that, however objectionable in theory and opposed to the spirit of modern legislation in England, in its practical operation this Act has been harmless and even beneficial; that it is used chiefly on healthy gardens and for labourers who can be relied upon not to desert; that among the coolies contracted under it the death-rate is low, the rate of desertions still lower, wages high, and judicial punishments only about 4 a year to every 10,000 coolies. In the Surma Valley this system is very popular with employers as well as with labourers, and is facilitating the transition from officially controlled to free labour. In view of these facts and of the great dissatisfaction which its repeal would create among all classes concerned, we do not think that we should be justified, on the information now before us, in withdrawing the Act from tea-gardens.

While we have never ceased to keep in view the eventual abandonment of all special legislation for the introduction and control of labour in Assam, we are convinced that free emigration must first be firmly established before the Government can safely withdraw its control from the labour system. As has been pointed out in the Assam Report, there are two parallel lines of development in the emigration system: *first*, from officially controlled to privately assisted and then to unassisted emigration; *secondly*, from emigration through professional recruiters, which tends to the importation of solitary individuals, to that family colonisation which is brought about in recruitment by garden-sirdars and garden-coolies. In the labour system the link in the transition

tions, been supplied by Act XIII of 1859. The Surma Valley Districts are making most progress towards the uncontrolled methods: the establishment of privately assisted family emigration has there led to the prevalence of the intermediate system of Act XIII contracts; the development towards unassisted emigration is gradually leading to free labour. The Assam Valley Districts are naturally more backward owing to the disadvantages arising from their remoteness and the great scarcity of labour; but here too the stage of privately assisted emigration has been reached, and family emigration is being steadily extended. The systems which have naturally developed and established themselves are thus gradually tending towards the object we have in view; and legislation which would throw back any of the intermediate stages in the chain of progress would cut short the development towards that final result at which our whole recent policy has aimed.

Various proposals have been brought to notice in the Reports now submitted to Your Lordship for the abolition, wholly or in part, of the systems mentioned in the beginning of this paragraph and for the adoption in their place of other methods suggested as more suitable. These proposals have been examined by us in the preceding paragraphs and in our letters enclosed with this Despatch, and have been rejected on their merits, both as providing inefficient substitutes for the systems to be superseded and, so far as they would tend to prevent or discourage free or assisted emigration, as involving a retrogression on our general policy which is not called for by existing circumstances. The proposed methods moreover have not yet undergone the test of experience, and their introduction would necessarily be more or less experimental. Having regard to the absence of any necessity for a material alteration of the law and to the tendency of the systems now in use towards that final result which we are desirous of attaining—the substitution of free for officially controlled labour—we are emphatically of opinion that further empirical legislation, such as that involved in the proposals referred to, should be avoided, and that, until exceptional laws can be altogether abandoned in any areas, the most prudent course will be to maintain, improve and, so far as may be necessary, control and shape towards our final object those methods which employers and labourers and others interested have themselves chosen as most suitable to existing conditions. We have therefore decided to confine our revision of the Act to removing the defects and supplying the omissions in the systems at present in force. We are entirely opposed to any such legislation as would operate adversely to the growth and expansion of free emigration and thus defer the time when Government interference in contracts may be dispensed with, or would unsettle in essential respects the mutual relations of employers, labourers, and the Administration, which have now been firmly established under the present Act and have been shown by the recent enquiry to be working on the whole in a satisfactory manner.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

LANSDOWNE,

F. S. ROBERTS,

P. P. HUTCHINS,

D. BARBOUR,

A. E. MILLER,

H. BRACKENEURY,

R. C. B. PEMBERTON.

INDIA OFFICE, LONDON, 11th February, 1892.

TO HIS EXCELLENCY THE MOST HONORABLE

THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

MY LORD MARQUIS,—I have considered in Council your letter, No. 77, of 5th October, 1891, together with its enclosures, dealing with the working of Act I of 1882, which regulates the emigration of labourers from Bengal and the North-West Provinces into Assam, and the conditions under which they labour after arrival in that province.

2. I desire to acknowledge at the outset the completeness of your inquiry, and am gratified to learn that on the whole the system works satisfactorily, and that the emigrant is generally well cared for and prosperous. I concur in your view that emigration from the congested districts of Northern India to a province where there is an energetic demand, both on tea gardens and on virgin soil, for additional labour, is to be encouraged. I notice, however, the unanimity with which not only your Government, but all the higher authorities consulted, recognise that the special labour law of Assam, though necessary under existing conditions, is out of harmony with the general principles of legislation accepted by civilised Governments; and your view that all amendments of the law should be directed to facilitating the disuse or abolition of the system of penal contract on which it rests has my approval. I regret, however, that your inquiries have not placed you in a position to propose any very decisive step in this direction on the present occasion.

3. Your letter brings into prominence the two serious blots which accompany the working of the existing system,—first, the excessive mortality, both on the way up to Assam and also on the gardens,—a mortality which was not less at the end of the last decade than it was at the beginning; and, secondly, the malpractices connected with the recruiting system in Bengal, which seem to have their origin in the high price paid by planters for coolies under long contracts, over and above the actual cost of bringing them into Assam.

4. With the first of these evils you deal in paragraph 7 of your letter, and your proposals are more fully explained in paragraphs 9, 31, and 32 of your enclosed letter to the Chief Commissioner of Assam. You propose to provide, if the Assam Government agree, that should any employer require a medical certificate as to a labourer's fitness to labour, the Superintendent shall not permit the labourer to execute a contract until such certificate has been obtained. To this I see no objection. You also very rightly propose to amend Sections 128 and 130 of the Act, so as to give greater power of initiative to the local authorities in dealing with unhealthy gardens. It is clear, however, from page 284 of Mr. Quinton's Report that, in those gardens which prefer to accept contracts under Act XIII of 1859 for any large proportion of their labour force, the protection which those sections contemplate is very materially weakened; and I gather from that Report, no less than from paragraph 32 of your letter to the Chief Commissioner of Assam, that the sections, even as they stand, are not very strictly and universally enforced. Your view* that "unhealthy gardens require to be urgently dealt with, and that Managers should clearly understand that failure to preserve their labourers in health will

* Paragraph 32 of the letter to Assam.

disentitle them to all the benefits of the Act," has my full concurrence, and I shall be glad to learn that you have found a satisfactory method of bringing pressure to bear on the owners of unhealthy gardens.

5. In connection with this subject, I desire to be informed of the decision you may ultimately arrive at regarding the proposal of the Government of Bengal (discussed in paragraph 6 of your letter to that Government) to amalgamate the Bengal Act I of 1889 with your amendments of Act I of 1882. Although the Bengal Act provides some measure of sanitary control over the journey of so-called free labourers on their way to Dhubri, and its extension to the Goalundo route will further enlarge its usefulness, it appears from paragraph 12 of Mr. Nolan's letter of the 29th August, 1890, that that Act still leaves much to be desired; and I attach great importance to the control, both sanitary and executive, being rendered thoroughly effective over the transit of unregistered labourers from the district of recruitment to Dhubri.

6. In regard to the malpractices connected with the system of recruitment by unlicensed recruiters (the *arkati* system) in Lower Bengal, I observe that you look upon the evil as less serious than the Bengal authorities represent it to be, and as one which can be sufficiently dealt with by executive action. You have therefore rejected the proposal of the late Lieutenant-Governor of Bengal to revert to a system of initial registration in the district of recruitment, and to restrict contracts under Sections 111 and 112 of the Act to persons who have already lived for two years in Assam. You consider that a system of initial registration, besides being dilatory and expensive and contrary to the principle of free emigration which you desire to encourage, would fail to secure the desired protection against fraudulent or forcible crimping, and you think that there are insuperable difficulties in the way of discriminating between new emigrants and those who have been for over two years in the Province of Assam.

7. While I accept,* not without hesitation, your decision as to the proposed remedy, I cannot doubt the reality and serious nature of the evils described in paragraphs 21 and 22 of Mr. Nolan's letter, and in the Reports appended to it; nor do I doubt that strong measures are required to amend the existing state of things. The conditions of the remote and backward Districts of Chutia-Nagpur and the Sonthal Pargunnahs, from which these complaints come, together with the absence of registration, offer reasons for not measuring the gravity of the evil by the frequency of convictions; and the offences are of a kind which must inevitably create ill feeling, and tend to jeopardize the continuance of the emigration system which it is your object to promote.

8. I await a further communication from you on the subject of the precise measures you propose to take in the direction of strengthening executive action in the recruiting districts. Whether legislation may not still be found to be necessary appears to me somewhat doubtful.

9. As you have decided not to make any very material alterations in the existing system, I need notice but briefly some of the more important amendments you propose to introduce in the working of the system. Of these the principal is the restriction of contracts under the Act to three years instead of maintaining the existing maximum term of five years. The extension of the term to five years by the Act of 1882 was regarded by my predecessor with much misgiving. The change has, by raising the value of the coolie to the planter, greatly increased the temptation to malpractices on the part of the recruiter; and it is a significant fact that the five years term of contract has, as

you observe,* only taken root among labourers recruited under the *Arkati* system, and placed under contract

* Para. 16 of letter to Assam. at Dhubri. Under other systems the shorter term prevails, and I have no doubt that you are right in reverting to the former maximum of

10. You propose also, while maintaining the applicability of Act I of 1882 to local and time-expired labourers, to limit (should the Chief Commissioner of Assam see no objection) the term of contract under the Act in the case of such labourers to one year. The question is fully discussed in paragraph 19 of your letter to the Chief Commissioner, and as the proposal is a step in the direction of freeing this class of labour altogether from the penal contract system, and is in accordance with the prevailing state of things, I should regret if the difficulty anticipated by you in discriminating between the different classes of labourers were to render necessary its abandonment.

11. I approve of your proposal to maintain the existing system of executing contracts at Dhubri and to place it on a legal footing, restricting Section 111 to the actual labour district,* and allowing contracts to be executed under Section 112 at Dhubri, before the local officers. I also approve of provision being made for the repatriation of labourers from Dhubri as well as from the labour districts, both on account of ill health and of illegal or fraudulent recruitment.

12. A further amendment which you propose is to strengthen the system of inspection throughout the province. I have carefully read the correspondence on this point, and I am of opinion that inspections should be made more systematic and more frequent than they are at present. The proposals contained in paragraphs 17, 18, 21 and 22 of your letter to the Chief Commissioner of Assam on these subjects have my full support.

13. There remain one or two points on which I can only accept your recommendations with some doubt. The first of these is your decision to maintain Act XIII of 1859 in force side by side with Act I of 1882. The former Act was certainly not passed with any view to such contracts as those which now prevail in tea gardens. Neither in its form nor in its system of penalties is it conveniently adapted to contracts to labour on tea gardens; and of itself it provides no system of protection for the labourer such as that which Act I of 1882 establishes as correlative to the penalties which it enforces for breach of contract. You point out,† however,

†Para. 9 of letter to the Secretary of State. that in practice it has come to be very generally used wherever circumstances enable the planter to dispense

with the more stringent conditions of Act I of 1882; that it is, in fact, preferred except where desertion is feared; and that it is a stepping stone between the stringent conditions of the special labour law of Assam and the system of free labour which prevails elsewhere, and which everyone is anxious to encourage. The absence of any provisions in the law giving protection to the labourer are, in your opinion, not felt in practice, because Act I of 1882 provides for inspection, and inspectors have "little difficulty in securing for Act XIII coolies the same advantages which are enjoyed by labourers under Act I of 1882,"—while the standard in sanitary matters and in general treatment is set by Act I of 1882, and this standard is, as a rule, adopted by managers for their whole labour force, and is steadily kept in view by inspecting officers. It is not clear to me how, if Act I of 1882 falls, as you desire, into general disuse, the standard is to be maintained; and there is an obvious danger, should the Act of 1859 wholly supersede in any part of the country the Act of 1882, that the labour force will there be subject to a penal contract without receiving the protection which renders the special law defensible.

14. There seems, however, to be a general consensus of opinion in which you concur, that Act XIII of 1859, though objectionable in

principle, has hitherto been harmless and even beneficial in its practical operation. I will not, therefore, on the present occasion, interfere with your decision to retain it; but as its continued retention is not without serious prospective dangers, I desire that its operations may be no less carefully watched than that of Act I of 1882.

15. Another point of detail, on which I am unable to accept your conclusion, is that discussed in paragraph 28 of your letter to the Chief Commissioner of Assam. I do not object to your proposal that the papers of the case, instead of the deserter personally, should be forwarded by the Police officer to the Magistrate; but I am not willing that the present restriction, prohibiting the arrest without warrant of a deserting labourer within five miles of a Magistrate's office, should be abandoned. It is better that some few deserters should get away than that we should give any further extension to the wholly exceptional privilege of summary arrest which Act I of 1882 allows to the planter, and which can only be justified on the ground of the paucity of magisterial courts, and the want of rapid means of communication which prevail in Assam.

16. The question of excluding individual estates from the Act, which is discussed in the 35th paragraph of your letter to the Commissioner of Assam is by no means free from difficulty,—a difficulty which is greatly complicated by the maintenance of Act XIII of 1859. On the whole it seems to me that whatever advantages are to be obtained by withdrawing whole districts or sub-divisions from the operation of the Act, will be obtained in proportion by withdrawing from it groups of gardens, or even individual gardens; and I do not see any reason why you should not, at all events, take power to do this under the amended Act, leaving the conditions under which you will exercise that power to be decided after receiving the representations of the local authorities.

17. I am glad, moreover, to observe that you contemplate withdrawing from the operation of the Act the whole District of Sylhet, as soon as the construction of the Chittagong-Assam Railway has brought about a free and more rapid system of communication.

18. In conclusion, I shall be glad to be informed when you will be in a position to submit the draft Bill, embodying the various amendments with which your letter deals.

I have the honour to be,

My Lord Marquis,

Your Lordship's most obedient, humble servant,
CROSS.

OFFICE OF THE PLANTERS' CONFERENCE,
Parry's Buildings, Second Line Beach.

MADRAS, 21st September, 1893.

To

THE CHIEF SECRETARY TO GOVERNMENT,

FORT ST. GEORGE,

MADRAS.

SIR,—On behalf of all the Planters' Associations both European and Native in Southern India assembled in Conference in Bangalore, I have the honour to approach His Excellency the Governor in Council on the subject of the reply of the Government of India to the Memorial of the United Planters' Associations to His Excellency the Governor of India.

of the Planting industry with regard to their Labour Contracts and Extradition Laws.

The entire absence of any special objections to the contents of the Memorial on Act XIII of 1859 already submitted leads the Conference to the conclusion that a re-hearing of the prayer of the Planting community may tend to remove certain misconceptions which have led to the unfavourable reply from the Supreme Government.

In the Memorial above mentioned several weighty official opinions were expressed that the existing law is inadequate and unfit to meet the problems which arise between labourers and employers; for although, the Government of India in its Despatch No. 77 of the 5th October, 1891, to Her Majesty's Secretary of State for India, says that Act XIII is extensively used in Assam with beneficial effect, the universal experience in this Presidency has resulted in the matured opinion that owing to the indefinite nature of its clauses and to the contradictory rulings of the High Courts of both Madras and Bombay, it has been found positively to frustrate the very objects for which its provisions were specially extended to the Planting Districts.

A Conference of Planters having been convened to consider this difficult subject, meetings have been held in Bangalore of Delegates from all the Planters' Associations in Southern India, representing an approximate capital outlay of twelve million sterling in the industry, who while thoroughly endorsing the Memorial of 1892, have concluded that the following considerations may help the Government of India to take a more favourable view of the original petition.

In regard to suggestion I in the Memorial their desire is that a clause be inserted to make the Act include all contracts between Planters, Maistries and Labourers and between Maistries and Coolies for work to be done upon lands cultivated with Coffee, Cinchona, Tea and other products.

In regard to suggestion II; that the expiry of the term mentioned in a contract which has not been performed, shall be no bar to proceeding against the contractor under this Act.

In regard to suggestion III; that every labourer whose name is entered in the Check Roll of an Estate and who has received an advance from his employer either in money or in kind shall be deemed to have entered into a contract of hire and service for one month and after the end of that month, to have renewed it for another month, unless or until he shall have repaid the advance or advances made to him.

In addition to these suggestions which were made in the Memorial, this Conference would respectfully submit that in Section II of Act XIII the words "while the same remains unsatisfied" be struck out and further that it is essentially necessary that the word *advance* be defined as *earnest-money* or *consideration*, in clear distinction to the simple pre-payment of wages.

The Delegates to the Conference would most respectfully desire to represent that all their endeavours are in the direction of a lenient interpretation of the Act as regards Maistries and Contractors whose occupations bring them into many difficult situations which all Planters from their personal experience in dealing with coolies are the first to acknowledge and rightly appreciate.

I have the honour to request that you will convey to His Excellency the Governor of Madras an expression of the thanks of the Delegates assembled at this Conference for his promise to bestow the most careful attention of himself and his Honourable colleagues to any re-consideration of the original Memorial, a copy of which is hereunto annexed.

In conclusion, I trust that His Excellency will be able to re-submit the Memorial and a copy of this letter to His Excellency the Viceroy and Governor-General with such favourable recommendations as His Excellency may deem commensurate with the interests involved.

The Conference has thought that it would simplify the consideration of the two subjects, Act XIII and Extradition, by submitting a separate Memorial on each subject, and I therefore confine my remarks in this letter to Act XIII.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) DIGBY T. ERETT,

Chairman of the Conference.

OFFICE OF THE PLANTERS' CONFERENCE,

Parry's Buildings, Second Line Beach,

MADRAS, 21st September, 1893.

To

THE CHIEF SECRETARY TO GOVERNMENT,

FORT ST. GEORGE,

MADRAS.

SIR,—As Chairman of the Conference of the Planting Associations of Southern India, held at Bangalore on the 28th August, 1893, I have the honour to inform you that I am instructed to forward for the consideration of His Excellency the Governor in Council, the following Resolution which was unanimously passed by the Conference.

Resolved “That this Conference shall present to the Government of India, through the Government of Madras, a statement of the position of disadvantage in which some Planting Districts find themselves placed by the exclusion of Act XIII of 1859 from the provisions of Extradition, and an explanation of the system of Special Magistrates by which as an alternative to a general concession of Extradition, it is thought that relief may be given to the Districts concerned, praying that the Supreme Government will take the matter into its careful consideration and, if possible, take such action as shall afford the desired relief.”

With reference to the above Resolution I would respectfully invite the attention of His Excellency in Council to the following remarks. The Employers of Labour in the Mysore, Travancore and Cochin States, find themselves involved in considerable difficulty in securing themselves against loss from breaches of contract, and dishonesty with regard to advances, under the following circumstances. These Estates being situated in Native States, which do not afford a sufficient supply of labour to meet their wants, much of the labour employed is drawn from the neighbouring Districts of British India.

The laws which control the relations between employer and labourer in British India have been adopted by the Native States concerned, but as most, if not all, the offences which involve the necessity of legal action (notably those coming under Act XIII of 1859) are excluded from the provisions of Extradition, the offenders need only return to their homes in British India to escape all prosecution.

The offences having been committed in foreign territory, no Court in British India has jurisdiction in the matter, and, without some system of Extradition, it is impossible to bring the offenders before the Magistrates of the Foreign State.

It is hoped that Act XIII of 1859 may be made serviceable to control the relations of employers and labourers in British India but, without a system of Extradition, its benefit is entirely denied to residents in Foreign States, and even residents in British India will lose many advantages which a system of Extradition, fully reciprocated, would confer on them.

The Conference is led to believe that the inclusion of Act XIII of 1859 within the provisions of Extradition involves difficulties to which the Government of India at present sees no solution, and it desires to lay before the Government a suggestion, of conferring special powers on a limited number of Magistrates, which it believes may prove to be such a solution.

The frontiers of the Native States concerned, so far as they are conterminous with the Districts of British India from which labour is drawn are the territories with which any remedial measures proposed must deal. These conterminous frontiers are not of great extent, consequently the measures required are not of very far reaching import.

If in the Foreign States concerned, certain stations were chosen in which to place Magistrates to whose processes, issued under Act XIII of 1859, the same force may be given in British India as if they had issued from a Magistrate in another District of British India, offenders under that Act could be brought to justice without difficulty or delay.

The Conference understands that many years ago measures of this kind were under the consideration of Government and were not adopted because of the hesitation of Government to submit British subjects to the jurisdiction of Magistrates of a Foreign State. Every British subject will sympathise fully with this hesitation, but at the same time the Conference believes that, with regard to the special case with which their prayer is concerned, there are safeguards and limits which, on consideration, will be found to completely satisfy the most solicitous guardian of the rights of Her Majesty's subjects. Some of these safeguards are :—

1. That while the Extradition Act, if made applicable to the laws with which we wish it to deal, would necessarily confer the right to claim Extradition on every State with which the Government of India is in relations of friendship, the powers for which we now ask would be given, on full consideration, of all surrounding conditions, to individual States and would establish no precedent on which a repetition of the concession could be claimed.

2. That the States with which the Conference is concerned are well known to have so far progressed in the paths of wisdom, and purity of Administration, during the last quarter of a century that the fear of danger from the concession asked is reduced almost to a minimum.

3. That the treaty relations in which these States stand to the British Government places in the hands of the latter a machinery, already in action, to fully control the working of such powers as we suggest.

4. That it would still remain with the British Government, while negotiating the concession, to take such security regarding the appointment of the Special Magistrates to whom the powers would be given,

stances under which the concession would be withdrawn, as would completely protect its subjects against any arbitrary injustice.

Further the Conference would respectfully submit that if, in the negotiations of the concession, the Foreign States concerned were asked to accord the same facilities to the processes issued by certain British Magistrates, which we have reason to believe they would readily grant, the reciprocal benefit would prove to be a great help and encouragement to other industries besides that of Agriculture with which its members are especially concerned.

In conclusion, I have respectfully to state that, in forwarding this communication to the Supreme Government, the Conference trusts that the same may receive the support of His Excellency the Governor in Council.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) DIGBY T. BRETT,

Chairman of the Conference.

TO HIS EXCELLENCY

THE GOVERNOR OF MADRAS IN COUNCIL,

MADRAS.

May it please Your Excellency:—

The Petition of the Nilgiri Planters' Association.

HUMBLY SHOWETH:—That the attention of your Petitioners has been forcibly drawn of late to the disadvantageous working of Section 9, of the Coffee Stealing Prevention Act VIII of 1878 which runs as follows:—

“Any cooly maistry or other labourer employed on a Coffee Estate found with green gathered Coffee in his possession and failing to account satisfactorily for such possession shall be liable on conviction by a Magistrate to pay a fine not exceeding five hundred rupees.”

1. That the words “*labourer employed on a Coffee-Estate*” absolutely restrict the application of the Act, as far as this Section is concerned, to cases of theft by persons so employed. All other cases of theft of Coffee, *e. g.*, by Carriers, Vagrants, or even by road or railway-coolies employed by Government or by a Company and living in or near Coffee, have to be taken under the Indian Penal Code, which throws the *onus probandi* on the prosecution, and thus renders a conviction impossible except in those very rare cases where the offender is actually caught in the act of stealing. Your Petitioners respectfully submit that the Act was originally intended to be capable of dealing with all cases of Coffee pilfering, and that the altered and developed conditions which now obtain, such as the construction of railways and roads, and increased traffic generally, call for the alteration of this Section by the use of the word “*person*” instead of “*labourer*,” and by the omission of the words “*employed on a Coffee-Estate*,” thus making the Section commence —“*Any cooly maistry or other person found with*” &c. In a recent case where a railway-cooly, camped on the edge of a field of Coffee, was detected with some freshly-gathered Coffee in his possession, the Court ruled that the case could not be dealt with under this Act, as the accused

was not actually "employed on a Coffee Estate." It is hardly necessary to add that the cooly was acquitted in consequence.

2. That, in this same Section 9, the words "*green-gathered*" be omitted before "Coffee," leaving "Coffee" to stand as it is explained in the Act. Your Petitioners submit that a strictly technical rendering of the expression "*green-gathered Coffee*" would prevent the other and much more abundant forms of the produce, such as red cherry Coffee, dry cherry, parchment Coffee, &c., from inclusion under this Section.

The loss from thieving continually sustained by Planters, and the great difficulty that is experienced in first detecting the offenders, and then in obtaining a conviction, are, in the opinion of this Association, more than sufficient grounds for requesting the favourable consideration of Your Excellency in Council to remedy the above serious drawbacks in this Act.

3. Your Petitioners would further pray that Tea, which has now come into common use among the local tribes as well as among natives generally, who have not before indulged in the beverage, may be protected by a special legislation similarly to Coffee. Cases of theft of Tea have of late become alarmingly common, and as the Tea of any one Estate is practically the same as that from other properties in the same District, the identification on oath of stolen produce is all but impossible. Tea therefore now labours under the same disadvantage in this respect as Coffee did formerly. It would seem, therefore, only equitable that Tea which grows alongside of, and often even among Coffee, should enjoy the privilege of protection which the latter to a great extent does under the Act.

And Your Petitioners will ever pray,

(Signed) THOMAS FULLER,

Honorary Secretary,

Nilgiri Planters' Association.

Dated at Coonoor, 18th March, 1893.

TO HIS EXCELLENCY

THE VICEROY AND GOVERNOR-GENERAL OF
INDIA IN COUNCIL.

May it please Your Excellency :—

The Petition of the undersigned representing the Nilgiri Planters' Association.

HUMBLY SHOWETH,—That a Bill is under the consideration of your Excellency in Council as Act VI of 1892, for the amendment of the existing Land Acquisition Act X of 1870, which appears in its existing proposed form to gravely compromise the rights of owners of property.

Considerable discussion has been lately evoked by what is deemed the severe and inelastic nature of the procedure and provision of the existing Act X of 1870, which have been brought prominently into notice by the acquisition of lands under that Act, for the purpose of the Nilgiri Railway now being constructed.

A perusal of the proposed amendment Act VI of 1892 leads to a conviction that the position of owners of property, when affected by that Act, will be even worse than at present.

We would respectfully urge the following points for favourable consideration in respect of some of the clauses of that Act, taking the Sections in their order :—

1. That with respect to the term "Arable" used in this section, we ask whether this word is intended to include all cultivable lands, whether cultivated or not. This point arises in consequence of a Government Officer having lately declined to consider land cultivated with Coffee as coming under the definition of "Arable" land in this Section.

2. That we would suggest that throwing on the owner the onus of proving the value of the property to be *compulsorily* acquired, violates ordinary business principles and should be reconsidered. It would be equally fair to assume that the proprietor's valuation is correct, and to throw upon Government the onus of proving it to be excessive.

3. That the insertion of this clause be reconsidered, for the reason that the Collector must know at least as much about his own District, as any Court before which his award can be questioned; and for Government to appeal against his award would mean that it declined to trust the opinion of its own servant. We urge that Government should have every reason to be satisfied that its representative will not err in the direction of too high an award, and therefore, should not hold over the land-owner's head the threat of contesting the decision of its own officer.

If however the insertion of Sections 21 be still regarded as essential to the protection of the interests of the Government, we would respectfully urge that a similar proviso to that under Section 20, in favour of the Government, be inserted under Section 21, for the protection of the owner; that is to say, that, as the Court has power on the one hand to *diminish* the Collector's award in the case of a suit brought by the owner, it should also have the power on the other hand, to *enhance* the award in the case of a suit brought by the local Government seeking to diminish it.

4. Explanation of "Market Value."

That the proposed explanation of the term "Market Value" viz. Sec. 24. Matters to be considered "Auction Value" should be expunged, in determining the compensation. for the following reasons :—

Firstly.—That the explanation is contrary to the rulings of the Courts as to the fair meaning of that phrase, and we think that the explanation of the "Market Value," as embodied in the Act, should be framed in accordance with those decisions. The following comprehensive ruling of the Bombay High Court appears to contain the gist of those decisions, laying down, as it does, these three points, under one of which every case arising might well be deemed to fall. (*Munji Khotsay*. 15, *Bombay Reports*, 279.)

- (a.) If a part or parts of the land taken up has, or have been, previously sold, such sales are taken as a fair basis, upon which making all allowance for situation, &c., to determine the value of that taken.
- (b.) To ascertain the (average) net annual income of the land, and to deduce its value by allowing a certain number of years' purchase of such income, according to the nature of the property.
- (c.) To find out the price at which lands in the vicinity have been sold and purchased, and, making all due allowances for situation, to deduce from such sales the price which the land in question will probably fetch if offered to the public.

Secondly.—That as regards property in general, not only is it impossible to predicate of any piece of land or building what it would fetch if put up to Auction, but it is well known, that lands sold in this way very rarely fetch their full value. And further, as regards Plantation property in particular, such is never sold by Public Auction except under circumstances of extreme necessity on the part of the Vendor, *i. e.*, under exactly opposite conditions to those in which the owner would have to part with his land under the Act, when the urgency would be on the other side. Whatever precautions may be necessary to protect the Government from being imposed on in this matter, we think it essential that, in its legislation on the subject, as well as in its action in individual cases, the Government should be actuated by a spirit of fairness and liberality, bearing in mind that the private owner is compelled to part with his land whether he wishes to do so, or not, and that the statutory allowance of fifteen *per centum* in excess of the “Market Value,” is often a very inadequate compensation for such enforced deprivation. If the rulings of the Courts on this point are annulled by the passing of the proposed Act, our reasons for asking the re-consideration of this “Explanation” to Section 24, become yet more forcible.

5. That it does not seem clear whether the acceptance of the compensation awarded by the Collector will bar an “interested person” from an appeal to the District Court. If the acceptance does so bar an appeal, we suggest that it should be provided that interest be payable at six *per centum* from date of taking possession of the property, on the full amount allowed by the Court.

Our reason for this suggestion is that, pending the settlement of the award, or the result of the suit in Court, the Collector takes possession of the land (Sect. 16), and from that date it becomes the property of the Government. Under all circumstances when an issue arises between Purchaser and Vendor, when, the former is allowed possession, the purchase money would be lodged, and the interest would belong to the Vendor on the settlement of the suit. We would respectfully ask why any exception to the ordinary rule should be introduced in this case, inasmuch as the land becomes the property of Government, and the purchase-money that of the Vendor. The Vendor cannot derive any further income or profit from the land from that date, and is therefore fairly entitled to the profits from (what is supposed to be) the compensation for the loss of such other profit.

6. That with reference to cultivated estates, the addition of fifteen *per centum* on the “Market Value” is often insufficient to compensate for compulsory acquisition, with any ordinary definition of “Market Value.”

In the case of a small estate the severance of a portion might render the remaining part quite unprofitable, a state of things not provided for by Section 24 “Thirdly” of the Act.

We would urge that, in cases of properties not possessing a reserve of suitable land to keep the cultivated area up to the original figure, a larger amount than fifteen *per cent.* should be allowed.

In cases where suitable Government land is available to make up the acreage, the offer of such land might be made to the estate owner in lieu of the increased percentage.

And your Petitioners will ever pray,

(Signed) THOMAS FULLER,

Honorary Secretary,

Dated at Coonoor, 6th December, 1892. Nilgiri Planters' Association.

NILGIRI PLANTERS' ASSOCIATION.

PROPOSED SCHEME FOR REGISTRATION OF MAISTRIES.

Resolution to be brought before the Members of the Nilgiri Planters' Association at the General Meeting to be held on the 31st January, 1893.

1. Planters wishing to register a Maistry shall send in to the Tahsildar, a letter giving particulars of the contract about to be entered into viz., the number of coolies to be supplied, or the work to be done, under the contract, the amount of advance, and the period of the contract. The Tahsildar will ascertain the name of the Maistry, his caste, and the name of the country and village in which he resides, and will ascertain if he has any property.

The Maistry will be examined, and his name, description, etc., together with the particulars of the contract about to be entered into, will be entered in a register to be kept for the purpose, in the same form that Peons, etc., employed by Government are registered.

2. The Maistry shall keep a book in which shall be entered a copy of the register duly signed by the Tahsildar. On making a contract the book shall be handed by the Maistry to his employer, and it shall remain in the custody of the employer till the term of the contract expires.

3. At the expiration of a contract the employer shall enter a short statement in the Maistry's Pass Book, below the last entry made by the Tahsildar, stating how the contract has been carried out, and speaking as to the capabilities and general character of the Maistry.

4. A fee, to be fixed by Government, will be payable by the Planter for each registration to cover the expenses of the necessary enquiries and examination and for the entering up of the Register and Pass Book.

5. The Nilgiri Planters' Association would not propose to bind Planters either to register their Maistries or to employ only registered ones, but would strongly urge them to support the movement and give it a trial, whenever practicable. It is believed that by so doing many of the troubles in connection with defaulting Maistries ~~would disappear~~ as it would render identification comparatively easy, and make it difficult for a Maistry to ~~take advance~~ from an estate until he had completed his contract with his last employer.

The Maistries would also feel themselves more legally bound by the entry and registration of their contracts at the Tahsildar's office, than they do by the informal signing of a contract at a Planters' Bungalow.

6. It is believed that a movement of this kind by the Planters to protect themselves against the losses incurred by defaulting Maistries, losses on which it is impossible to estimate the damage through the work not being done in the proper season, would be approved by the Government, and that the Officials would assist in carrying it out.

(Signed on behalf of the Sub-Committee)

THOMAS FULLER,

Honorary Secretary,

Nilgiri Planters' Association.

Coonoor, 24th January, 1893.

THE COFFEE ASSOCIATION.

Committee.

FREDERICK CLIFFORD, Esq., *Chairman*, 1, Plowden Buildings, Temple, W. C., and 18, Parliament Street, Westminster, S. W. (Chairman of the Indian Coffee Committee, Colonial and Indian Exhibition).

J. A. DESPEISSIS, Esq., Commissioner for Mauritius.

HON. JAMES E. MASON, C.M.G., Commissioner for Fiji.

F. A. SWETTENHAM, Esq., C.M.S., Commissioner for Straits Settlement.

SIR RUTHERFORD ALCOCK, K.C.B., Commissioner, British North Borneo Company.

GEORGE HAMMOND HAWTAYNE, Esq., C.M.G., Commissioner, British Guiana.

SIR AUGUSTUS J. ADDERLEY, K.C.M.G., Royal Commissioner for the West Indies.

JOHN MCCARTHY, Esq., F.I.C., F.C.S., Assistant Commissioner, Trinidad.

GEORGE D. HARRIS, Esq., Ex-Member, Executive Council, Bahamas.

SIR ARTHUR N. BIRCH, K.C.M.G.

GEORGE WATT, M.D., F.L.S., C.I.E.

CHARLES ARBUTHNOT, Esq.,

THOMAS DICKSON, Esq.,

CHARLES SCOTT, Esq.,

HENRY PASTEUR, Esq.,

L. BEHRENS, Esq.,

JAMES WHITTAL, Esq.,

ALFRED DENT, Esq.,

W. W. ASSER, Esq.,

DR. PAUL.

M. A. ORD MACKENZIE, Esq.,

GEORGE DE WINTON, Esq.,

R. D. BUCHANAN, Esq.,

FRANK URQUHART, Esq.,

MELVILLE WOODHOUSE, Esq.,

C. H. LULLIN, Esq.,

J. C. SANDERSON, Esq., *Honorary Treasurer & Secretary.* :
With power to add to their number.

This Association has been formed for no purposes of trade. Its aim is to prevent the sale of adulterated Coffee or Coffee admixtures, promote the consumption of pure Coffee, and compel Vendors to sell separately any Chicory or other ingredients which may be required by consumers.

Having regard to the declining consumption of Coffee in the United Kingdom, and the consequent loss of revenue—a result attributed by the Board of Customs “in a great degree to notorious adulteration”—the Committee hope that such an Association may properly claim the support of producers, merchants, and dealers, while it is also submitted that the shameful frauds which are practised upon consumers of Coffee, especially among the poorer classes, make the objects of this Association of public interest and advantage.

According to the Annual Reports of the local Government Board and the Board of Customs, the existing law has been found wholly ineffectual to protect either the consumer or the revenue, and therefore stands in urgent need of amendment. It will therefore be the object of the Association, by representations to the Government, or otherwise, to amend the law, if possible, in the direction indicated.

The efforts of the Association will also be directed, through the various Temperance organisations, or otherwise, to stimulate the public taste for infusions from pure Coffee, and encourage attempts to supply cheap and easy methods of Coffee making.

By the Coffee Planters of Mysore the objects of this Association are warmly supported. Representatives of India and the Colonies at the recent Exhibition have undertaken to communicate with Planters

and their various Associations in other parts of the British Dominions, and invite their co-operation and subscriptions. Donations and subscriptions are also invited from all other persons interested in the proposed Association; an annual subscription of 1 guinea for each Member, and of 2 guineas for each firm, or a donation of £5 5s., to constitute Membership.

All communication to be addressed to

JOHN C. SANDERSON, *Hon. Sec.*,

1st December, 1886.

37, MINCING LANE, E C.

SALE OF FOOD AND DRUGS ACT (1875), &c. AMENDMENT.

*A Bill to Amend the Sale of Food and Drugs Act, 1875,
and the Margarine Act, 1887.*

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The provisions of the Sale of Food and Drugs Act, 1875, and of any Act amending the same, shall apply to and include every wholesale trader or manufacturer of any article of food or drug who shall sell to the prejudice of the purchaser any article of food or drug which is not of the nature, substance, and quality of the article demanded by such purchaser; and the seventeenth Section of the said Act shall be read as if the words "whether by wholesale or" were inserted between the words "on sale" and the words "by retail" in the said section.

2. The twenty-fifth Section of the said Act shall be and is hereby amended by the deletion of the word "written" before the words "warranty to that effect," and every wholesale trader or manufacturer of any article of food or drug, or other person who in the course of trade shall sell to any person any article of food or drug, with intent that the same may be resold by retail in the state in which it is purchased from him, shall, unless he has in writing informed the purchaser to the contrary, be deemed, for the purposes of the said Act, to have given a warranty to the person purchasing from him that such article of food or drug is of the nature, substance, and quality demanded by such purchaser.

3. In any proceedings under the principal Act having reference to the sale of "margarine" as defined by the Margarine Act, 1887, it shall be a good defence to prove that the sale was made in conformity with the regulations of the said Margarine Act, 1887, and in the case of proceedings in Scotland under the said Margarine Act, the thirty-third Section of the Food and Drugs Act, 1875, shall be held to be added to the Sections twelve to twenty-eight inclusive incorporated in section twelve of that Act.

4. In determining whether an offence has been committed under Section six of the principal Act, by Provisions as to mixtures of Chicory and Coffee. selling to the prejudice of the purchaser Coffee not adulterated otherwise than by the admixture of Chicory, it shall be a good defence to prove that the seller delivered with or on such mixture a notice by a label distinctly and legibly written or printed in the form given in the Schedule to this Act, stating the proportions of coffee and chicory contained in such mixture.

5. Whereas it is desirable to interpret the law as to the proportion of water in butter which shall be deemed as constituting an offence in proceedings under the principal Act: be it enacted that the sale of butter containing more than per centum by weight of water sold as butter shall be deemed to constitute a sale to the prejudice of the purchaser, unless such excess of water is intimated by the seller at the time of sale, and the onus of proving such intimation shall lie with the said seller.

6. This Act shall be read and construed with the Sale of Food and Drugs Act, 1875, and any Act amending the same.

7. This Act may be cited for any purposes as the Sale of Food and Drugs Act, 1875, Amendment Act, 1893.

SCHEDULE.

Coffee Mixture Containing—

Coffee ... four-fifths } or { three-fourths } or { one-half } or { one-fourth.
Chicory ... one fifth } or { one-fourth } or { one-half } or { three-fourths.

And so on, as the case may be, specifying in equal parts on each label the respective proportions of coffee and chicory contained in the mixture sold.

TO THE RIGHT HON. H. H. FOWLER, PRESIDENT OF THE
LOCAL GOVERNMENT BOARD.

SIR,—We are directed by the Coffee Association to submit to you on their behalf the accompanying Resolution passed unanimously by that body at their Meeting on the 20th December, 1892, with reference to Dr. Cameron's Food and Drugs Act, 1875, Amendment Bill (*Enclosure I*). We also submit (*Enclosure II*) a copy of this Bill as lodged in 1892, with the specific Amendments which, as the Association venture to suggest, should be introduced by the Local Government Board if not adopted by Dr. Cameron in his Bill of 1893.

The Coffee Association was founded in 1886, its members being chiefly growers of Coffee in India and the Colonies (whose products had been exhibited in the Colonial and Indian Exhibition of that year), together with merchants and brokers interested in the Coffee trade. The objects of the Association—to check adulteration and if possible, in this and other ways, to increase home consumption in the English Market—are set forth in *Enclosure III* which also gives the names of the Committee representing British Coffee planting interests in various parts of the

world and Coffee merchants and brokers at home. We may add that the Chairman of the Association (an owner of Coffee Estates in Mysore, and specially deputed to represent the Coffee planters of that State) was Chairman of the Indian Coffee Section at South Kensington, and that another member of the Association, Mr. Pasteur (then of the firm of Messrs. Patey and Pasteur of Mincing Lane) wrote a valuable report upon the Coffee exhibits, which appears in the volume of collected reports printed by the Royal Commission at the close of the Colonial and Indian Exhibition. The Honorary Secretary of the Association is the head of the firm of Sanderson and Co., Produce Brokers, of Mincing Lane.

In view of the large amount of British capital engaged in the cultivation of Coffee in British Colonies and dependencies, and the employment thus given there to labour (including large numbers of women and children especially during the picking season), the planters represented by the Association see with much concern the gradual decline in the consumption of Coffee throughout Great Britain, a result mentioned and regretted by the Chancellor of the Exchequer for the time being in nearly every budget speech. The Annual Reports of the Local Government Board, and the prosecutions instituted by local authorities show that adulteration is now both easy and remunerative. It is notorious that the profits derived from the sale of Coffee mixtures are much larger than those arising from the sale of pure Coffee; and purchasers of these mixtures have, under the existing law, no guarantee that they will receive any fair proportion of Coffee according to the price paid. In a recent case, tried by a Metropolitan Magistrate (West London Police Court, on the 23rd December, 1892) the proportion of Coffee in the mixture sold was only ten per cent. yet the Magistrate dismissed the case, on the ground that the Local Inspector under the Food and Drugs Act, 1875, had not asked that the Coffee and Chicory should be in due proportions. As was remarked by a public Analyst (quoted in the last Report of the Local Government Board) in a case where $\frac{1}{8}$ ths of the mixture sold was Chicory "it is no wonder there should be a decline in the consumption of Coffee when adulteration is carried on to this extent."

Poor consumers are the chief sufferers from this undue proportion or the cheaper material in so called "Coffee" mixtures: and it is no consolation to them to learn that, as the Magistrate stated on seeing the invoice produced by the Grocer in the West London case "the middleman (*i. e.* wholesale firm supplying the Coffee mixture) "appeared to receive the benefit of the sale." We concur, therefore, in the principle of Dr. Cameron's Bill so far as it applies to sales of Coffee, namely first, that the wholesale as well as the retail trader should come under the penalties of the Food and Drugs Act, 1875, and secondly, that the trader should be bound to indicate on each tin or packet sold by him the proportions of Coffee and Chicory contained therein.

We venture to suggest, however, that Clause 4 of the Bill may with advantage be amended substantially as set forth in Enclosure II in order (1) to provide a simpler and more intelligible description of the contents of each tin or packet; and (2), to secure a greater variety of proportions, and (where the consumer desires it) a smaller admixture of chicory than the Bill appears to contemplate.

(1) This object we think would be obtained by requiring that the proportions should be specifically stated on the label at each sale, according to the form proposed in our Enclosure II.

(2) Clause 4 starts by assuming (*Sub section a*) that the least quantity of chicory in any mixture should be one half. *Sub-sections b* and *c* respectively provide for admixtures containing 75 and over 75 per cent. of Chicory. If the Clause is limited to these three degrees of admixture, the proportions thus

specified will, we apprehend, become the regular and the only standard of supply, and consumers who may wish for Coffee in larger proportions will be unable to obtain it, except by mixing the two substances for themselves. This, however, is not always possible, because, we believe, chicory can seldom be bought separately at shops frequented by the poorer classes. Thus the Bill, though not so intended, will tend to limit the consumption of Coffee and prevent the growth of a better taste for the pure beverage.

We propose to communicate to Dr. Cameron a copy of this letter and of our proposed amendments in his Bill, and in the hope that this Bill will be supported by the Board, subject to these amendments.

We have the honour to remain,

Sir, Your obedient Servants,

(Signed) F. CLIFFORD,

Chairman

For London Coffee Association.

18, Parliament Street, S. W., January, 1893.

ENCLOSURE I.

Resolved unanimously :—

That, having considered Dr. Cameron's pending Bill to amend the Sale of Food and Drugs Act, 1875, this Association entirely approves of the principle of that Bill so far as it relates to the sale of Coffee, and also of the clause making the Act of 1875 apply to wholesale as well as retail dealers; but the Association is of opinion that Clause 4 should be amended by striking out after the word "prove" in line 7, page 2, all the words "down to "centum" inclusive in line 19 and also by striking out the last line of the clause and adding the following words after the word "printed" in line 20 :—

"As in the form herein given, stating the proportions of Coffee and Chicory contained in such mixture;—"

Form of Label.

Coffee Mixture Containing—

Coffee	... four-fifths	} or {	three-fourths	} or {	one-half	} or {	one-fourth.
Chicory	... one-fifth		one-fourth		one-half		three-fourths.

And so on, as the case may be, specifying in equal parts on each label the respective proportions of Coffee and Chicory contained in the mixture sold."

And this Association is further of opinion that, except by means of such specific notice in each case, buyers of Coffee will be unable to obtain the proportions of Coffee and Chicory they require, or adequate knowledge of the price properly chargeable for Coffee Mixtures.