

WESTERN PACIFIC HIGH COMMISSION.

No. 15 of 1921



[L.S.]

T. E. FELL,

Acting High Commissioner.

9th August, 1921.

## KING'S REGULATION

TO AMEND THE LAW RELATING TO THE  
RECRUITING ENGAGEMENT AND EMPLOYMENT  
OF NATIVE LABOURERS WITHIN THE BRITISH  
SOLOMON ISLANDS PROTECTORATE.

Made by His Britannic Majesty's Acting High Commissioner  
for the Western Pacific under the provisions of the  
Pacific Order in Council 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the  
Grace of God of the United Kingdom of Great  
Britain and Ireland and of the British Dominions  
beyond the Seas King, Defender of the Faith,  
Emperor of India.

[9th August, 1921.]

1. This Regulation may be cited for all purposes as the SHORT TITLE.  
Solomons Labour Regulation 1921.

2.—(1) The Solomons Labour Regulation 1910 and the REPEAL AND  
SAVINGS.  
several Labour Regulations amending the same are hereby  
repealed except as to offences committed against the said  
several Regulations before the coming into operation of  
this Regulation.

(2) All contracts licences and permits heretofore duly  
made or granted shall *mutatis mutandis* be deemed in  
respect of the remainder of the period for which they were  
respectively made or granted to have been made or granted  
under and to be subject to the provisions of this Regulation.

(3) All appointments rules orders and notices heretofore  
duly made or given shall *mutatis mutandis* remain in force  
until revoked or cancelled as if the same were made or  
given under this Regulation.

INTERPRETATION. 3.—(1) In this Regulation unless the contrary intention appears—

“The Protectorate” includes the waters thereof.

“District” means any such part of the Protectorate as shall from time to time be declared and defined by the High Commissioner by Proclamation to be a district for the purposes of this Regulation; until such time as the High Commissioner shall duly constitute districts under this Regulation each of the several governmental divisions of the Protectorate as are now by the usage or practice of the Government comprised within the limits of the offices of District Officer at Auki District Officer Aola District Officer at Gizo District Officer at Shortland Islands District Officer in the Eastern Solomons and District Officer of the Russell Islands and Ysabel Island respectively shall be deemed to be a district for the purposes of this Regulation and the officer from time to time in charge thereof shall be deemed to be the District Officer thereof within the meaning of this Regulation.

“District Officer” means a Deputy Commissioner for the Western Pacific appointed by the High Commissioner to the charge of a district and includes any officer appointed by the Resident Commissioner to the temporary charge of a district during the absence therefrom or illness or incapacity of the District Officer.

“Labour Department” means the office at Tulagi of the Native Labour Department and includes the Chief Inspector.

“Chief Inspector” means the officer for the time being in charge of the Labour Department.

“Medical Officer” means a Medical Officer of the Protectorate Government.

“Inspector” means an officer appointed by the High Commissioner to be an inspector of native labourers and includes any officer from time to time authorised by the Resident Commissioner to perform temporarily the duties of an inspector.

“Native” means any aboriginal native of any island in the Protectorate.

“Labourer” includes a native employed in any form of service.

“Labourer under contract” means a labourer serving under a contract.

“Plantation” includes any place or premises on land where a labourer is employed.

“Task” means that extent of work as estimated by the amount actually performed irrespectively of the time occupied in its performance which can be performed in six hours by any able-bodied male native not under the age of sixteen years having the experience of the labourer to whom the work is assigned and working steadily at such work.

“Time-work” means work as estimated by the time actually occupied in its performance irrespectively of the amount performed.

“Employer” includes the manager or person in charge of a plantation and the master of a vessel on or in connection with which a native is employed.

“Return-passage Home” means a passage together with accommodation maintenance and medical care during the period between the termination of his service and his final disembarkation to such part of the Protectorate as having regard to all circumstances and particularly to the safety of a native shall be the most convenient place for the native's final disembarkation in order to reach either his home or the place at which he was recruited according as may be approved by the officer before whom he is paid off.

“Rations” includes water tobacco clay-pipes and soap.

“Authorised Holidays” means Sundays the first day of January Good Friday the day after Good Friday and Christmas Day; provided that when any of the said days not being an authorised holiday by virtue only of its being a Sunday falls upon a Sunday the next following Monday shall be an authorised holiday.

“Regulation” includes any rules from time to time made by the Resident Commissioner under the provisions of this Regulation.

“Contract” means a contract of hiring and service duly executed in writing and ratified in accordance with the provisions of section twenty-four of this Regulation.

“Adult” means not under the age of fourteen years.

“Child” means a native under the age of fourteen years.

“Infant Child” means a child under the age of eight years.

“Domestic Service” includes such service on board a vessel as is of the like nature as domestic service.

(2) Words or expressions other than those hereinbefore mentioned shall have the respective meanings provided for them by the Interpretation Regulation 1919.

(3) References in this Regulation to forms are made except where otherwise specified to the forms given in the Schedule hereto.

#### EXCEPTIONS FROM REGULATION.

4. The provisions of this Regulation shall not be compulsory in the case of a native engaged or employed in any capacity in the service of the Crown or in the case of a native engaged for service within the Protectorate as a seaman forming part of the crew of a duly registered British vessel under a written agreement made in accordance with the provisions of any Order in Council or of any Act of the Imperial Parliament regulating the employment of seamen which may be in force within the Protectorate.

REGULATION NOT  
COMPULSORY IN  
CASE OF NATIVES  
EMPLOYED BY  
CROWN OR  
SEAMEN EM-  
PLOYED WITHIN  
PROTECTORATE  
UNDER IMPERIAL  
LAWS.

Provided that if the parties so agree a native may enter into a contract under this Regulation in which case the provisions thereof shall apply.

#### REMOVAL OF NATIVES BEYOND THE PROTECTORATE.

5. Any person who except as permitted by this Regulation shall remove beyond the Protectorate any labourer or shall recruit or shall remove from the Protectorate any native for employment in any form of service beyond the Protectorate shall on conviction be liable to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months.

RECRUITING OR  
REMOVAL WITH-  
OUT PERMIT OF  
NATIVES FOR  
SERVICE BEYOND  
PROTECTORATE  
ILLEGAL.

ISSUE AND  
NATURE OF  
PERMIT.

6.—(1) The Resident Commissioner or any officer authorised in writing by him in this behalf may at his discretion grant a permit in writing to allow a person to remove a labourer beyond the Protectorate or to recruit or remove from the Protectorate any native for employment beyond the Protectorate.

(2) The officer granting a permit as aforesaid may insert therein such conditions as he thinks fit.

(3) Before granting a permit as aforesaid the officer may require such security as he thinks fit that the applicant for the permit will observe the conditions of the permit that may be granted.

FAILURE TO  
OBSERVE CONDI-  
TIONS OF PERMIT  
PUNISHABLE.

7. If the holder of a permit granted under the last preceding section fails to observe the conditions thereof he shall on conviction be liable to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months at the discretion of the Court and his security if any shall be liable to enforcement.

#### RECRUITING TRANSPORT AND ENGAGEMENT.

RECRUITING OR  
ENGAGEMENT  
CONTRARY TO  
REGULATION  
ILLEGAL.

8.—(1) No native shall be recruited or engaged for any form of service except in accordance with the provisions of this Regulation.

(2) Any person who shall recruit or engage for service any native contrary to the provisions of this Regulation shall on conviction be liable to a penalty not exceeding fifty pounds and in default of payment to a term of imprisonment not exceeding six months.

RECRUITING  
DEFINED.

9. A native shall be deemed to be recruited when he is solicited and consents or he offers and his offer is accepted to engage for or to be employed in any form of service or to leave any place where he may then be with a view to or for the purpose of his being so engaged or employed.

NO NATIVE TO  
BE PAID FOR  
RECRUITING.

10. No person shall give any money or goods to any native with a view to such native permitting or inducing others to be recruited or in consideration of such native having permitted or induced others to be recruited.

Provided that any person may make use of the services of a native as an interpreter for the purpose of obtaining recruits and may remunerate him for any services so rendered by him but no agreement shall be made by which the amount of any remuneration promised to be given to any such native shall be made in any way to vary with or to depend on the number of recruits obtained through his services.

RECOVERABILITY  
OF INDUCEMENT  
MONEY.

11. No money or goods given to a native as an inducement to him to be recruited and no compensation in respect thereof shall be recoverable and no deduction from wages shall be made on account of the same having been given except where the native has obtained such money or goods by fraud or false pretences and has been prosecuted to conviction therefor and the Court shall have made an order accordingly.

RECRUITING OR  
ENGAGING BY  
FRAUD ETC.

12. Any person who shall by fraud or false pretences intimidation or coercion recruit or engage any native shall on conviction be liable to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months. The Court shall declare the contract if any of the native void and may order the offender to provide the native with a return-passage home.

13. No native shall be recruited for or required to perform any work for which he is physically unfit.

NO PHYSICALLY UNFIT NATIVE TO BE RECRUITED OR WORKED.

14. Subject to the consent of the father brother uncle or guardian or (in the absence of any person standing in such relationship) of the District Officer any male child not being an infant child and any adult female may be engaged for and employed in service at will from day to day on any plantation situate within five miles of his or her home or if accompanying an adult male relative standing to him or her in the relationship of father uncle brother or husband as the case may be may be engaged for and employed in the like service on any plantation wheresoever situated on which such relative may be employed.

CHILDREN AND FEMALES MAY BE EMPLOYED IN DAILY SERVICE UNDER CERTAIN CONDITIONS.

Provided that every such child who may undertake to perform a days work as hereinafter defined shall after he shall have completed three hours continuous work be allowed an interval of at least two hours before being required to resume work.

15. Any adult male may be engaged for and employed either in service at will from day to day on any plantation situate in or any vessel belonging to the district to which the native belongs by birth or in service under contract on any plantation or any vessel but not otherwise.

ADULT MALES MAY BE EMPLOYED EITHER IN LOCAL DAILY SERVICE OR IN SERVICE UNDER CONTRACT.

Provided that no such native under the age of sixteen years shall contract for any form of service other than domestic service exclusively.

And provided further that no married male shall enter into a contract of service unless he be accompanied by his wife and infant children if any except in a case where the husband shall produce to the officer before whom he is sought to be engaged a certificate in writing under the hand of the District Officer of the district in which the husband was recruited or of a European minister of religion to the effect that the husband is known to him and has to his knowledge made suitable provision for his wife and children if any during his absence from them.

16. Any adult female may be engaged for and employed in domestic service under contract to any female European, subject to such rule as may be made by the Resident Commissioner as to consent of father brother uncle or guardian.

ADULT FEMALES MAY ENTER INTO CONTRACT UNDER CERTAIN CONDITIONS.

17. No native shall contract for service for any term exceeding two years.

MAXIMUM TERM OF CONTRACT.

18.—(1) No vessel shall be used by any person for the purpose of recruiting natives or of carrying natives who have been recruited or who are being returned home after the termination of their service unless the owner or master thereof has obtained from the Chief Inspector a licence for such vessel according to Form 1.

VESSEL RECRUITING OR CARRYING RECRUITS ETC. TO BE LICENSED.

(2) If the officer is satisfied that the vessel sought to be licensed is suitable for such purpose as regards its hull equipment and accommodation and that the persons in charge of such vessel are fit and proper persons he may grant a licence for the vessel. The officer may insert in the licence such reasonable conditions as he thinks fit and may require such security as he deems necessary that the conditions of the licence and the provisions of this Regulation will be observed by all persons on board or connected with the vessel licensed. The licence shall state the maximum number of natives inclusive of natives employed on board which may be carried by the vessel at any one time and shall be valid for such period not exceeding one year as the officer may determine.

FORM 1.

PARTICULARS  
OF NATIVES  
CONVEYED TO  
BE RECORDED  
BY MASTER.

(3) The Resident Commissioner may make rules governing the tonnage size and accommodation of vessels in respect of which a licence under this section may be granted.

(4) The name of any native recruited or being returned home whether he is married or single and if married the names of his wife and children accompanying him if any the place where he was embarked and if he is a recruit the terms length and nature of his intended employment the name of his intended employer and the place of his intended employment or if he is being returned home the name of his last employer and the place where he is to be disembarked shall be recorded by the master in a book to be kept on board the vessel and to be used solely for this purpose. This book and the vessel's log shall be produced for the inspection of any District Officer Medical Officer Inspector or European Officer of the Armed Constabulary upon the request of any such officer.

(5) Any native found being carried by a vessel otherwise than in accordance with the provisions of its licence and this Regulation may be removed therefrom by a District Officer Inspector or European Officer of the Armed Constabulary.

PERMITS TO  
ENGAGE NATIVES  
UNDER  
CONTRACT.

19.—(1) If any person desires to engage for himself the service under contract of any natives he shall apply personally or by letter to the District Officer of the district in which is situate the plantation or to which belongs the vessel as the case may be in respect of which the natives are sought to be engaged or to the Chief Inspector stating the number of labourers he requires the name and situation of the plantation or vessel on which they are to serve the time for which he requires them the nature of the work to be performed and the wages he offers.

FORM 2.

(2) The officer may thereupon at his discretion grant him a permit or permits according to Form 2 to engage the number of labourers stated in the permit or permits. The officer before granting a permit shall when he deems it necessary require security for the payment of the wages of the labourers intended to be engaged and of the expenses of maintaining them and of returning them home upon the termination of their service.

(3) Any person to whom a permit has been granted as aforesaid shall while it remains in force be entitled to recruit and engage for himself either personally or by some European in his regular service authorised in writing by him in that behalf or through a licensed agent the services under contract of any eligible native as a labourer for a period not exceeding two years. The total number of labourers engaged under the permit shall not exceed the number authorised thereby.

(4) A permit as aforesaid shall be valid for such period not exceeding six months as the officer granting it may determine.

LICENCE  
TO ACT AS  
LICENSED AGENT  
FOR THE  
RECRUITING AND  
ENGAGEMENT  
OF LABOURERS.

FORM 3.

20.—(1) No person other than a European in the regular service of a holder of a valid permit according to Form 2 authorised in writing by and acting for such holder shall act as an agent for the recruiting or engagement of any native for service under contract with any principal unless he hold a valid licence according to Form 3 to act as a licensed agent and also a letter of agency from such principal included in Form 2.

(2) Application for a licence to act as, a licensed agent shall be made to the District Officer of the district in which the applicant ordinarily resides or to the Chief Inspector.

(3) The granting of an application shall be at the discretion of the officer.

(4) No licence shall be granted for any period exceeding one year.

21. In any case where an officer having authority to grant any permit or licence as the case may be hereinbefore provided for refuses to grant the same he shall if so required in writing by the applicant forthwith report in writing the facts of the case and the reason of his refusal to the Resident Commissioner who may if he think fit direct that the application be granted.

IF REQUIRED  
IN WRITING  
OFFICER  
REFUSING A  
PERMIT OR  
LICENCE TO  
REPORT CASE  
TO RESIDENT  
COMMISSIONER.

22. The Resident Commissioner may at any time if he think fit suspend or cancel any licence or permit.

CANCELLATION  
AND SUSPENSION  
OF LICENCES  
AND PERMITS.

23.—(1) Any person who recruits any native for service under contract shall provide him and his wife and children accompanying him if any with proper rations medical care and accommodation until such time as the native enters into a contract or is provided with a return-passage home.

OBLIGATIONS  
OF RECRUITER  
TOWARDS  
RECRUITS.

(2) Whenever any person for himself or for some principal recruits any native for service under contract and the native does not enter into a contract it shall be the duty of such person and his principal if any to provide the native and his wife and children accompanying him if any with a return-passage home together with proper rations medical care and accommodation in the meantime and on the way.

24.—(1) Every contract shall be executed in triplicate and according to Form 4 in the presence of the District Officer of the district either within which the home of the native party is situated or within which he was recruited or in the presence of an Inspector.

EXECUTION AND  
RATIFICATION  
OF CONTRACT  
OF SERVICE.  
FORM 4.

(2) No contract shall operate or have any effect unless and until it be ratified by the officer. The officer shall not ratify a contract unless he be satisfied that the native party is eligible and physically fit for the intended employment that he understands the nature and terms of the contract and is a willing party thereto and that the terms thereof are not manifestly unfair to him.

(3) A Medical Officer or an officer of medical knowledge and experience nominated in this behalf by the Resident Commissioner shall where one such is conveniently available examine all natives who are sought to be engaged under contract and no native shall be engaged under contract who is pronounced by such officer to be physically unfit for the intended employment. The opinion of such officer shall be conclusive of the physical fitness or unfitness as the case may be of any native examined by him.

(4) Where the officer refuses to ratify a contract he shall if so required in writing by the person requesting ratification thereof forthwith report in writing the facts of the case and the reason of his refusal to the Resident Commissioner who may if he thinks fit direct that the contract be ratified.

(5) Upon ratification by him the officer shall hand one of the triplicates of contract to the employer or his agent and shall cause another of the triplicates to be filed in the office of the District Officer of the district wherein is situate the plantation or to which belongs the vessel as the

case may be in respect whereof the contract has been executed and shall cause the third one of the triplicates to be filed in the Labour Department.

(6) Form 4 may with the approval of the Resident Commissioner first obtained be so adapted as to provide that the labourer shall instead of being paid monthly one quarter of his monthly earnings and the remainder thereof at the termination of his service be paid monthly one-half of his monthly earnings and the remainder thereof at the termination of his service or otherwise.

DOCUMENTS TO  
BE PRODUCED  
TO OFFICER  
BEFORE WHOM  
LABOUR  
ENGAGED.

25.—(1) When any person takes natives before the proper officer for engagement under contract as labourers he shall produce to the officer the employer's permit to engage labourers and if he is a licensed agent his licence to act as a licensed agent together with the letter of agency from the employer included therein. He shall also hand to the officer the form of contract properly prepared in triplicate.

(2) The officer shall endorse on the back of the permit and of the licence the number of labourers engaged under it and when the number authorised by the permit or licence as the case may be has been engaged or the time limit fixed thereby has expired it shall be transmitted by the holder to the Labour Department through the officer who granted it.

RESIDENT  
COMMISSIONER  
MAY PROHIBIT  
RECRUITING AT  
SPECIFIED  
PLACES.

26.—(1) The Resident Commissioner may for any reason which may seem good to him by an order under his hand and official seal (herein referred to as an order of prohibition) prohibit either for a specified time or until further notice the recruiting of natives at any place or within any area which he may name or suspend the return of time-expired labourers to their homes provided that in the latter case the contracts of such labourers shall be deemed to be extended for all purposes.

(2) A report of an order of prohibition or suspension stating the grounds thereof shall forthwith be made by the Resident Commissioner to the High Commissioner who may cancel or vary the same.

(3) If any person recruits natives or returns them to their homes in contravention of an order of prohibition or suspension he shall upon conviction be liable at the discretion of the Court to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months.

RESIDENT  
COMMISSIONER  
MAY PROHIBIT  
SPECIFIED  
PERSONS FROM  
EMPLOYING  
OVERSEERING  
OR RECRUITING  
LABOURERS.

27.—(1) Where it is shown to the satisfaction of the Resident Commissioner that any person is by reason of his previous treatment of or conduct towards natives not a fit or proper person to be allowed to act in the capacity of an employer or overseer of labourers or in any like capacity or to act in the capacity of an agent for the recruiting of natives or of a master or mate of a vessel on which natives are employed or by which natives are recruited or are carried after being recruited or in any like capacity the Resident Commissioner may if he think fit by an order under his hand and official seal (herein referred to as an order of prohibition) prohibit that person from acting in any of such capacities as aforesaid as may be specified in the order of prohibition during any time specified therein not exceeding two years from the date of the making of the order.

(2) The Resident Commissioner shall cause a duplicate of an order of prohibition to be delivered to the person against whom it is made and if after the delivery thereof



to him that person acts in contravention of the order of prohibition he shall upon conviction be liable to a penalty not exceeding one hundred pounds or to a term of imprisonment not exceeding twelve months.

(3) An order of prohibition shall be published in the Gazette and upon such publication the order of prohibition shall be deemed to have been brought to the notice of the public.

(4) If any person knowingly employs in any capacity specified in such order any person against whom an order of prohibition is in force or appoints such person to act for him in any capacity so specified he shall upon conviction be liable to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months.

(5) A report of an order of prohibition stating the grounds thereof shall forthwith be made by the Resident Commissioner to the High Commissioner who may cancel or vary the same.

28. If a native is engaged for service by any person contrary to the provisions of this Regulation the person employing him shall in respect of such native be under the same liability as is imposed by this Regulation upon the employer of a labourer under contract in addition to any liability incurred by him for a breach of this Regulation but such native shall not be subject to the liability imposed by this Regulation upon a labourer under contract.

OBLIGATIONS OF  
EMPLOYER WHEN  
NATIVE  
ILLEGALLY  
ENGAGED.

#### WORK.

29.—(1) No employer shall require any labourer under contract to work before sunrise or after sunset or to work on authorised holidays. Provided that nothing in this subsection shall be held to prevent an employer from at any time requiring a labourer duly employed in domestic service or the care of animals or as one of the crew of a vessel to perform such of his ordinary work as may be necessary.

HOURS OF  
WORK.

(2) No employer shall require a labourer under contract to perform more than nine hours' time-work or one task (if employed on task-work expressly at any time) a day on Mondays Tuesdays Wednesdays Thursdays or Fridays or more than five hours' time-work or one-half of a task on Saturdays. On each of those days (excluding Saturdays) the labourers shall be allowed at least two continuous hours between the hours of 11 a.m. and 2 p.m. for rest and meals and the calculation of the hours of work shall always exclude those two hours.

MAXIMUM OF  
COMPULSORY  
WORK.

(3) When so often and as a labourer under contract has in any one week completed (inclusive of any work performed by him on an authorised holiday) fifty hours' time-work or five tasks and one-half of a task he shall be at liberty to absent himself from work for the remainder of that week and it shall not be lawful for any employer to require any further work from him but he may if he chooses work for a longer period. If he perform further work during such week the labourer shall be entitled to extra pay at the rate of not less than two pence for each hour of extra time-work or one shilling for each extra task and so in proportion for part performance and the amount due shall be paid within the week in which the extra work is performed.

(4) Any employer or person in authority over a labourer who against the will of any labourer requires or enforces the performance by him of any work beyond that prescribed by this section shall on conviction be liable to a penalty not exceeding ten pounds and in default of payment to a term of imprisonment not exceeding two months

and if extra work has been required to be performed may also be ordered to pay to the labourer performing it the amount which in the opinion of the Court may be due in respect thereof.

(5) Nothing in this section shall be held to prevent an employer from at any time requiring any labourer to perform such work as may be necessary for the preservation of life or property.

LABOUR UNDER  
CONTRACT OVERTIME  
BOOK  
AND RETURNS.

(6) Every employer of labourers under contract shall at the end of each day record in a book to be kept solely for the purpose and to be called "Contract Labour Overtime Book" full particulars of all extra work if any performed during the day by each of his labourers under contract with his name and official number and the amount of extra pay earned in respect thereof and shall at the end of each month send to the District Officer of the district in which the labourers are employed and to the Labour Department a return according to Form 5.

FORM 5.

CASUAL WORK  
BOOK AND  
RETURNS.

(7) Every employer of natives working at will from day to day shall at the end of each day record in a book to be kept solely for the purpose and to be called "Casual Work Book" the name address and sex of and whether an adult or child the number of hours of time-work or tasks performed and the amount of wages earned by every such native who has performed any work for him during the day and shall at the end of each month send to the District Officer of the district in which the natives are employed and to the Labour Department a return according to Form 6.

FORM 6.

(8) In the case of a native working at will undertaking to perform a days work he shall be deemed to have performed his undertaking on completing (a) if an adult male nine hours (b) if an adult female eight hours or (c) if a child five hours time-work.

#### CERTAIN OFFENCES.

ABSENCE FROM  
WORK FAILURE  
TO OBEY LAW-  
FUL COMMANDS  
ETC.

30.—(1) If any labourer shall except on account of ill-health or other lawful excuse absent himself from work when he lawfully ought to be engaged thereat or fail to obey any lawful and reasonable command of his employer or any person in authority over him or fail to show reasonable diligence in the performance of his work or shall be guilty of disorderly behaviour towards his employer or any person in authority over him or on the plantation or vessel to which he belongs he shall on conviction be liable to a penalty not exceeding two pounds.

(2) Any labourer who shall have been convicted twice under this section shall upon every subsequent conviction thereunder be liable to a penalty not exceeding five pounds. Provided that all penalties imposed under this section shall be recoverable as civil debts.

DESERTION.

31.—(1) Any labourer under contract who shall have except on account of ill-health or other lawful excuse absented himself for three consecutive whole days (exclusive of authorised holidays) from the service of his employer shall be deemed to be a deserter from such service and may be arrested without warrant wherever he may be found by his employer or any one in authority over him or by any District Officer Inspector or member of the Armed Constabulary and returned to such service.

(2) A deserter shall on conviction be liable to a penalty at a rate not exceeding three shillings per diem for such time as the Court may find that the offender's labour has been lost to his employer by reason of his desertion and the proceedings against him in respect thereof.

The Court may at its discretion order that the whole or part of any penalty imposed as aforesaid shall be paid to the employer as compensation.

(3) If a labourer shall have been convicted twice under this section he shall be liable to a fine not exceeding five pounds. Provided that all penalties imposed under this section shall be recoverable as civil debts.

**32.** Any person who knowingly harbours a deserter shall be liable to a penalty not exceeding two pounds. Any such penalty shall be recoverable as a civil debt and the whole or any part of such penalty may at the discretion of the Court be paid to the employer.

HARBOURING  
DESERTER.

**33.** Any labourer who shall through negligent or improper conduct cause damage to or loss of any property of his employer other than live stock shall on conviction be liable to a penalty not exceeding two pounds or to a term of imprisonment not exceeding three months at the discretion of the Court. The Court may order the whole or part of any penalty imposed as aforesaid to be paid to the employer as compensation.

DAMAGE TO  
PROPERTY  
OTHER THAN  
LIVE STOCK.

**34.** Any labourer who shall through negligent or improper conduct cause any live stock belonging to his employer to be maimed wounded or ill used shall on conviction be liable to a penalty not exceeding five pounds or to a term of imprisonment not exceeding six months. The Court may order the whole or part of any penalty imposed as aforesaid to be paid to the employer as compensation.

DAMAGE TO  
LIVE STOCK.

**35.** Any labourer who shall against the orders of his employer or any person in authority over him carry or use fire so as to endanger the property of his employer shall upon conviction be liable to a penalty not exceeding five pounds or to a term of imprisonment not exceeding six months.

DANGEROUS  
USE OF FIRE.

**36.—(1)** In the case of a fire on a plantation or in the neighbourhood thereof the employer or any person in authority over them on the plantation may call out the whole of the labourers thereon and may enter with them upon any land upon which the fire may be or to which it is reasonably believed the fire may spread and may do all things reasonably necessary for the purpose of extinguishing or preventing the spread of the fire.

PLANTATION  
FIRES.

(2) Any labourer called out as aforesaid who shall without reasonable cause refuse or neglect to assist in extinguishing or preventing the spread of the fire shall upon conviction be liable to a penalty not exceeding five pounds or to a term of imprisonment not exceeding six months.

**37.** Any employer or any person in authority over a labourer who shall assault or threaten any bodily harm to such labourer shall upon conviction be liable to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months.

ASSAULT OR  
THREATS BY  
EMPLOYER.

ASSAULT OR  
THREATS BY  
LABOURER.

38. Any labourer who shall assault or threaten any bodily harm to his employer or to any person in authority over him shall upon conviction be liable to a penalty not exceeding ten pounds or to a term of imprisonment not exceeding twelve months.

FALSIFICATION  
OF DOCUMENTS  
AND USE OF  
FALSE  
DOCUMENTS.

39. Any person who with intent to deceive shall falsify any contract permit licence book register return form or other document provided for by this Regulation or shall produce to any officer of the Government or to the Court or make use of any such contract permit licence book register return form or other document which is false shall on conviction be liable to a penalty not exceeding one hundred pounds or to a term of imprisonment not exceeding twelve months.

HARD LABOUR  
MAY BE  
IMPOSED ON  
OFFENDERS

40. Any person who shall be imprisoned by virtue of any conviction under this Regulation shall if so ordered by the Court perform hard labour in or connected with a Government gaol while undergoing imprisonment.

GENERAL  
PENALTY.

41. Any person who by act or omission contravenes any of the provisions of this Regulation shall where no specified punishment is provided be deemed guilty of an offence against this Regulation and shall on conviction thereof be liable to a penalty not exceeding twenty pounds or to a term of imprisonment not exceeding three months.

PUNISHMENT OF  
ATTEMPTS TO  
COMMIT, ETC.  
OFFENCES.

42.—(1) Any person who attempts any offence but does not complete it shall be guilty of an offence and shall be liable to the same punishment to which he would be liable if he had completed his attempt to commit the offence.

(2) Any person who procures or aids or abets the commission of an offence shall be guilty of an offence and shall be liable to the same punishment to which the person committing the offence procured aided or abetted by him is liable.

#### RATIONS BEDDING AND CLOTHING.

RATIONS  
BEDDING AND  
CLOTHING.

43.—(1) Every employer of labourers and every person under a duty to maintain any natives in his care shall provide rations bedding and clothing for each of them and their wives and children accompanying them in accordance with the scale in respect thereof set forth in the Schedule hereto or such other scale as may from time to time be substituted therefor by the Resident Commissioner. All rations which ordinarily require cooking shall be supplied properly cooked by the employer.

(2) Every employer of five or more labourers shall keep a ration book according to Form 7 and shall make true entries therein daily. He shall at all reasonable times upon the request of a District Officer Medical Officer Inspector or European Officer of the Armed Constabulary produce the ration book for examination and inspection.

(3) Any employer who shall fail to comply with the provisions of this section shall on conviction be liable to a penalty not exceeding twenty pounds or to a term of imprisonment not exceeding three months.

RATION BOOK.  
FORM 7.

BARTER OR SALE  
OF RATIONS  
ETC.

44.—(1) Any labourer who without permission of his employer or some European in authority over him shall sell barter or otherwise dispose of any rations bedding or clothing supplied under this Regulation shall on conviction be liable to a penalty not exceeding one pound or to a term of imprisonment not exceeding six weeks.

(2) Any person who without the permission of the employer of that labourer or some European in authority over him shall by way of purchase barter or other disposal take from any labourer any rations bedding or clothing supplied under this Regulation shall on conviction be liable to a penalty not exceeding one pound or to a term of imprisonment not exceeding six weeks.

#### DWELLINGS ON PLANTATIONS.

45.—(1) The employer of every labourer shall assign to him and maintain in proper repair a sufficient portion of a suitable dwelling and shall keep the yards and grounds for a sufficient space round about the dwelling well drained and free from brush wood weeds rubbish and refuse of every description. A separate dwelling shall be provided for each married couple and their children if any. Provided that two such dwellings may be built under one roof if they are divided completely by a partition extending as high as the roof.

LABOURERS'  
DWELLINGS.

(2) No dwelling or portion of a dwelling which is in the opinion of a District Officer Medical Officer or an Inspector unfit for habitation shall be assigned to any labourer.

(3) No greater number of labourers or of labourers and other persons together shall be assigned to any dwelling or separate apartment than at the rate of one person to every three hundred cubic feet of internal air space. In no case are the sleeping bunks or beds provided to be arranged in more than one tier.

46. Any labourer who shall keep his dwelling in such a state as to be a nuisance or to be injurious to health or who shall refuse or neglect within a reasonable time after being required by an employer or any person being in authority over him to remove any nuisance which may have accumulated or may have been placed therein or in the immediate neighbourhood of his dwelling or shall commit any nuisance on any plantation shall be liable to a penalty not exceeding two pounds or to a term of imprisonment not exceeding three months.

NUISANCES IN  
OR ABOUT  
DWELLINGS.

47. It shall be the duty of every employer by himself or by a European in his employ to inspect daily the houses of all labourers upon his plantation and ensure the preservation of cleanliness and the due care of such labourers and their wives and children.

DAILY  
INSPECTION.

48. Every employer shall provide and maintain proper sanitary arrangements.

SANITARY  
ARRANGEMENTS.

#### MEDICAL CARE AND HOSPITALS.

49. Every employer of labourers and every person under a duty to provide medical care for natives shall provide each of them and their wives and children accompanying them when sick with medical care and accommodation suitable to their condition.

MEDICAL CARE  
TO BE PROVIDED.

50.—(1) Every employer of more than ten natives shall provide and maintain for the sole purposes of the reception and medical treatment of sick natives such buildings or building as a Medical Officer or an officer of medical knowledge and experience nominated in his behalf by the Resident Commissioner may from time to time in writing with the approval of the Resident Commissioner require him to provide and shall provide and maintain for use in connection with such buildings or building as the case may be such

PROVISION AND  
EQUIPMENT OF  
PLANTATION  
HOSPITAL.

medicine articles of diet medical instruments and accessories furniture and bedding as may from time to time be prescribed by any rules made under this Regulation by the Resident Commissioner. Provided that one plantation hospital as hereinafter defined may serve two or more plantations if in the opinion (to be obtained in writing) of the Medical Officer or other person appointed as aforesaid such arrangement will suffice.

(2) Every building which is certified by a Medical Officer or an officer nominated in this behalf by the Resident Commissioner as sufficient for the purposes as aforesaid as regards structure arrangement and equipment shall be deemed to be a plantation hospital within the meaning of this Regulation.

HOSPITAL  
ATTENDANT.

**51.** On every plantation where there shall be a plantation hospital the employer shall employ at least one competent European person as hospital attendant to nurse and attend to the patients. A hospital attendant shall reside at or close to the hospital.

ADMISSION AND  
DISCHARGE  
REGISTER.  
FORM 8.

**52.** On every plantation where there shall be a plantation hospital the employer shall cause an admission and discharge register according to Form 8 to be kept in the hospital and shall enter or cause to be entered into the register the name and disease of every patient admitted into the hospital with the date of admission and discharge and the date of the death of every patient who shall die in the hospital. The register shall be open to inspection by a District Officer Medical Officer Inspector or European Officer of the Armed Constabulary.

LABOURERS  
ETC. AS  
PATIENTS IN  
HOSPITAL.

**53.—(1)** Every sick native whose condition shall require such treatment shall be sent by his employer or the person under a duty to provide him with medical care to a plantation hospital or to some public or other hospital for treatment as an in-patient or out-patient as the case may require.

(2) By arrangement with the person in charge thereof a native may be sent to a plantation hospital situated on a plantation other than that to which the native belongs. If any native so sent or ordered by the employer or person under a duty in that regard or by a District Officer Medical Officer or Inspector to go to any such hospital shall neglect or refuse to go or without due permission or due discharge therefrom leave the hospital that native may be taken or returned to the hospital and may be dealt with in the same manner as if he or she had been disorderly in hospital.

PENALTY FOR  
BREACH BY  
EMPLOYER ETC.  
OF SECTIONS  
49 TO 53  
INCLUSIVE.

**54.** Every employer and every person under a duty to provide medical care for natives who by act or omission contravenes any of the provisions of sections forty-nine to fifty-three both inclusive of this Regulation shall upon conviction be liable to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months.

DISORDERLY  
CONDUCT IN  
HOSPITAL.

**55.** Any person whether a patient or not who shall be guilty of any disorderly conduct in any plantation or public or other hospital shall on conviction be liable to a penalty not exceeding five pounds or to a term of imprisonment not exceeding three months.

COMMUNICATION  
WITH LABOURER  
IN HOSPITAL.

**56.** Any person who shall supply any food or drink to or who shall otherwise communicate with any labourer in any plantation or public or other hospital without the permission of the person in charge of such hospital shall on conviction be liable to a penalty not exceeding five pounds or to a term of imprisonment not exceeding three months.

## DEATHS.

57.—(1) Every case of death on a plantation or vessel of a labourer or of a native who has been recruited or is being returned home after the termination of his service or of the wife or child of a labourer or any such native as aforesaid shall be immediately reported by the employer or master of the vessel as the case may be to the nearest District Officer or Inspector and to the Labour Department.

DEATHS TO  
BE REPORTED.

(2) The report shall be according to Form 9 and shall if possible be accompanied by a medical certificate stating the cause of death and length of illness previous to death.

FORM 9.

## RATE AND PAYMENT OF WAGES.

58.—(1) In the case of a labourer under contract wages shall be payable at the rate of not less than ten shillings per month or six pounds per annum and overtime wages as hereinbefore provided.

WAGES OF  
LABOURERS  
UNDER  
CONTRACT.

(2) In the case of a labourer not under contract wages shall be payable at the rate of not less than for time-work (a) for an adult male one penny (b) for an adult female three farthings or (c) for a child one halfpenny per hour and for task-work nine pence per task and so in proportion for part performance. Payment of such wages shall be made to the native earning them not later than nine o'clock in the morning next immediately succeeding the day in respect of which the wages have been earned provided that in the case of wages earned by wives or children of and accompanying labourers under contract payment may be postponed until six o'clock in the afternoon of the Saturday next immediately succeeding.

LABOURERS  
NOT UNDER  
CONTRACT.

59.—(1) The balance of wages due to a labourer under contract shall be paid to him by his employer or the agent of such immediately upon the termination of the contract in the presence of the District Officer of the district in which the labourer was employed or to which the vessel whereon the labourer was employed as the case may have been belongs or in the presence of an Inspector or of an officer nominated in this behalf by the Resident Commissioner. The contract shall be produced to the officer who shall endorse thereon that the labourer has been duly paid in his presence and shall forward it so endorsed to the Labour Department.

PAYMENT OF  
BALANCE OF  
WAGES OF  
LABOURERS  
UNDER  
CONTRACT.

(2) The wages due on account of any labourer who may have died during the term of his contract and the wages due to any labourer to whom payment cannot for some cause be made at the proper time and place shall be paid through a proper officer as aforesaid into the Treasury which shall dispose of the same for the benefit of the next of kin of the deceased labourer or in such other manner as the case may require and as may be directed by the Resident Commissioner.

60. No labourer under contract shall be chargeable with goods supplied or moneys advanced to him or on his account during his term of service to an amount exceeding one-quarter of the gross amount of the wages payable to him under his contract unless in the case of moneys advanced those moneys are moneys which the employer has paid for the purpose of discharging on behalf of the labourer any order made by the Court for the payment by the labourer of money.

LABOURER NOT  
TO BE CHARGE-  
ABLE WITH  
STORES SUP-  
PLIED ETC.  
BEYOND CER-  
TAIN LIMIT.

LOSS OF PART  
WAGES THROUGH  
FAULT OF  
LABOURER.

61. No wages shall be payable to any labourer in respect of any time which the proper officer before whom he is paid off finds has been lost by the labourer to the employer by reason or in consequence of the labourer serving a term of imprisonment or of any act of wilful default on the part of the labourer not being an offence of desertion under section thirty-one of this Regulation in respect whereof the labourer has paid money to the employer as compensation ordered to be paid by the Court.

#### COMPULSORY EXTENSION OF INDENTURE.

ORDER FOR  
EXTENSION OF  
CONTRACT  
WHEN LABOURER  
IMPRISONED.

62.—(1) When a labourer under contract has been convicted of any crime or offence and has been sentenced by the Court to imprisonment therefor the Resident Commissioner may in his absolute discretion make an order for an extension of the term of the labourer's contract proportionate to the time which the Resident Commissioner may find has been or will be lost to his employer by reason of his imprisonment.

Provided that no such extension as aforesaid shall be ordered for any time exceeding one year or except before the expiration by effluxion of time of the contract originally entered into.

(2) The Resident Commissioner shall furnish the employer with a certificate wherein shall be stated the name of the labourer and his employer the date of his conviction the time for or in respect of which an extension is ordered and shall also furnish the District Officer of the district within which the labourer is employed and the Labour Department with a duplicate of such certificate. The employer shall produce the certificate to the officer before whom or to whom is paid the balance of wages due to or on account of the labourer.

#### RETURN PASSAGE HOME.

LABOURER  
UNDER  
CONTRACT AND  
FAMILY TO BE  
PROVIDED WITH  
RETURN PASSAGE  
HOME.

63.—(1) Within twenty-one days after the termination of the service of a labourer under contract his employer shall provide the labourer and his wife and children accompanying him if any with a return-passage home. The employer shall give the labourer reasonable notice of the means provided for the return home of himself and his family and shall inform him that it is the duty of himself and his family to avail themselves thereof.

(2) Notwithstanding anything herein contained it shall be lawful for a labourer upon the termination of his contract instead of returning home to enter into a fresh contract with the same or some other employer. The fresh contract shall be executed and ratified according to and shall be subject to the provisions of this Regulation.

Provided that a labourer who has completed his contract of service (and if married is accompanied by his wife and children) may with the consent of the District Officer elect to remain on the island where he has served his contract.



64. If any native employed in service at will from day to day is when he ceases to be so employed more than twenty miles away from the place at which he was recruited for such service he and his wife and children accompanying him if any shall be provided by the employer with a return-passage to such place and the provisions of section sixty-three hereof regarding the time within which a return-passage is to be provided and the notice which is to be given of the means provided therefor and regarding the accommodation medical care and maintenance which are to be provided on the way shall apply in respect of such native as if such native had been under contract.

Provided that if such native shall have completed three months continuous service with his employer then the obligation of the employer shall be to provide him and his wife and children accompanying him if any with a return-passage home.

#### TRANSFER AND REMOVAL.

65.—(1) The services of a labourer under contract may with the consent of the labourer and of his employer be transferred to any other person desirous of obtaining the labourer's services.

(2) Every transfer shall be made before the District Officer of the district in which the labourer is working under contract or before the Chief Inspector.

(3) The officer before whom the transfer is made shall endorse the transfer on his and the employer's triplicate of the contract and if a District Officer shall forthwith send his triplicate to the District Officer of the district to which the labourer is being transferred if so and a notice of the transfer to the Labour Department or if the Chief Inspector shall cause the District Officer's triplicate to be so sent after endorsement.

(4) The transferee employer shall be subject to all such liabilities in respect of the labourer as would attach to the transferer employer under this Regulation if the transfer were not made.

(5) Upon the transfer the parties may arrange for the payment by the transferee employer of such part of the wages and recruiting expenses or by the transferer employer of such part of the estimated cost of the return-passage home of the labourer as may be fair having regard to the period and service remaining at the date of the transfer. The arrangement and the terms thereof shall be stated to the officer to whom the transfer is applied for.

(6) Save as aforesaid no bonus or other consideration shall be given or accepted for a transfer and any person who shall fail to state the true nature of an arrangement of transfer or who shall give or receive a bonus or other consideration in respect thereof shall be guilty of an offence against this Regulation.

66.—(1) The District Officer of the district in which a labourer is working under a contract or the Chief Inspector may from time to time permit a labourer under contract who consents to such removal to be removed from the plantation or vessel in respect of which he is under contract to any other plantation or vessel belonging to the same employer. The like procedure shall be followed in the case of such removal as is provided by subsection three of section sixty-five hereof in the case of a transfer.

LIABILITY AS TO  
RETURNING  
HOME A DAILY  
SERVANT

TRANSFER OF  
LABOURERS'  
SERVICES TO  
ANOTHER  
EMPLOYER.

REMOVAL OF  
LABOURER TO  
ANOTHER  
PLANTATION OR  
VESSEL OF SAME  
EMPLOYER.

(2) The proper officer as aforesaid may without the consent of the labourer but subject to such conditions as he thinks fit to impose on the employer permit as a matter of urgency the removal as aforesaid of an indentured labourer for the purpose of his being worked from day to day on another plantation as aforesaid.

Provided that when such permission is given the work of the labourer shall be supervised personally by the employer or by some person in his regular service previously ordinarily exercising authority over the labourer.

SUSPENSION AND CANCELLATION OF INDENTURE.

RESIDENT  
COMMISSIONER  
MAY CANCEL  
CONTRACT.

67. The Resident Commissioner may at any time for any reason which may seem good to him cancel the contract of any labourer and subject to the provisions of sections seventy-one and seventy-two hereof release any person and the property of any person from all liability in respect of such contract. The Resident Commissioner may take charge of maintain and provide the labourer and his wife and children accompanying him if any with a return-passage home the expenses whereof shall become a debt due and owing to the Protectorate Government from and by the employer.

CANCELLATION  
BY MUTUAL  
CONSENT.

68. The cancellation of a contract may at any time be effected by mutual consent before the District Officer of the district in which the labourer is employed or before an Inspector.

CANCELLATION  
FOR UNFITNESS  
FOR SERVICE.

69. The contract of any labourer who in the opinion of a Medical Officer or an officer of medical knowledge and experience nominated in this behalf by the Resident Commissioner is physically unfit for further service may be cancelled by the District Officer of the district in which the labourer is employed or by an Inspector.

SUSPENSION OF  
CONTRACT.

70. When it shall appear to the Court or to a District Officer Medical Officer or Inspector that owing to the neglect or ill-treatment of a labourer by his employer or for any other good cause it is undesirable that the labourer should remain under contract the Court or an officer as aforesaid may suspend the contract of the labourer and provide for the care and maintenance of the labourer and his wife and children accompanying him if any by the Protectorate Government pending the decision of the Resident Commissioner.

(2) The Court or officer shall forthwith report the suspension and the grounds thereof to the Resident Commissioner who may either cancel the contract or renew it subject to such conditions as he may think fit to impose.

(3) All expenses incurred by the Protectorate Government under the provisions of this section shall become a debt due and owing to the Protectorate Government from and by the employer of the labourer whose contract has been cancelled or suspended under this section.

AMOUNT OF  
WAGES TO BE  
PAID ON  
CANCELLATION  
ETC.

71. The employer of any labourer whose contract shall be cancelled as hereinbefore provided shall pay to the labourer such amount of wages as shall be proportionate to the time served by the labourer in his service and shall provide him and his wife and children accompanying him if any with a return-passage home.

72. The cancellation of a contract shall not be held to absolve any person from any liability incurred by him while the contract was in force whether incurred by him under this Regulation or otherwise.

CANCELLATION  
DOES NOT  
ABSOLVE FROM  
LIABILITY FOR  
PAST ACTS.

#### INSPECTION.

73.—(1) Any District Officer Medical Officer Inspector or European Officer of the Armed Constabulary may at any time enter upon and inquire into and inspect the state and condition of any vessel carrying or engaged in recruiting natives and any vessel or plantation on or in connection with which natives may be employed and inquire into and inspect the state and condition of the natives and inquire into any complaint which the employer of or any person in authority over a native or the master of the vessel may make against the native or which a native may make against his employer or any person in authority over him or against the master of the vessel or any of the crew thereof.

INSPECTION OF  
PLANTATIONS  
AND VESSELS.

(2) In every case of an entry under this section the officer so entering shall forthwith cause the person for the time being in charge of the vessel or plantation and the natives thereon to be informed of his presence and business.

(3) The officer may require the production of any book or document that relates to the carrying recruiting employment or care of natives and may examine and require answers from any person present on the plantation or vessel as the case may be as to any fact the knowledge of which is material to the due execution by the officer of his duty. Provided always that no person so examined shall be compelled to say anything which may subject him to a criminal prosecution.

(4) Any person who shall wilfully obstruct or interfere with an officer as aforesaid in the due execution of his duty shall on conviction be liable to a penalty not exceeding fifty pounds or to a term of imprisonment not exceeding six months.

#### GOVERNMENT ACTION.

74.—(1) If any person in respect of any native neglects to fulfil any obligation to which he may be liable the Protectorate Government may take all steps and incur all expenses reasonably necessary for the doing of anything omitted to be done by the person in default.

GOVERNMENT  
MAY DO AND  
RECOVER  
EXPENSES OF  
DOING ANYTHING  
NEGLECTED TO  
BE DONE BY  
EMPLOYER ETC.

(2) All expenses so incurred shall become a debt due and owing to the Protectorate Government from and by the person in default.

75. All moneys which under this Regulation or otherwise are or shall become due or payable to the Protectorate Government or to any labourer may be proceeded for and recovered by the Resident Commissioner or an officer nominated in this behalf by the Resident Commissioner or by the Chief Inspector.

RECOVERY OF  
MONEYS DUE  
TO GOVERNMENT  
OR LABOURER

#### PREFERENTIAL CHARGES.

76.—(1) All moneys which are or shall become due or payable by or from any person to the Protectorate Government in respect of a labourer or to a labourer and all interest thereon which may accrue shall be a preferential charge on the real and personal property of such person and shall rank over and above all mortgages and charges other than a mortgage and charge duly executed and registered according to law prior to the date of the labourer's engagement.

MONEYS DUE TO  
GOVERNMENT OR  
LABOURER TO BE  
PREFERENTIAL  
CHARGE.

(2) Such preferential charge shall subsist notwithstanding any transfer or devolution of any property charged as aforesaid until the money as aforesaid shall have been paid in full and the taking of any other security for those moneys or any part thereof shall not affect such preferential charge.

(3) All moneys constituting a preferential charge shall bear interest at the rate of eight pounds per centum per annum from the day from which the same became due or payable.

ENFORCEMENT  
OF CHARGES.

77. All charges created or attaching by or under this Regulation may be enforced at the suit of the Resident Commissioner or an officer nominated in this behalf by him or of the Chief Inspector.

LEGAL PROCEDURE.

WHO MAY  
PROSECUTE.

78. Any District Officer Inspector or European Officer of the Armed Constabulary may prosecute before the Court in any case of an offence against this Regulation.

Provided that the provisions of this section shall not be deemed to affect the right of any person to prosecute in any case where he may be an aggrieved party.

CIVIL ACTIONS  
ON BEHALF OF  
LABOURERS.

79. When a civil action or suit shall lie at the instance of a labourer against his employer or any person in authority over him the Resident Commissioner or an officer nominated in this behalf by him or the Chief Inspector shall have the right to institute and carry on the action or suit for and on behalf of the labourer.

NO COURT FEES.

80. No fees shall be payable in respect of any proceedings instituted or carried on in the Court under this Regulation.

TIME  
LIMITATION OF  
PROCEEDINGS.

81. All proceedings in respect of any offence against this Regulation or in respect of any matter provided for by this Regulation shall be instituted in the Court within six months from the date on which the offence was committed or the cause of action as the case may be first arose.

PROOF OF  
CONTRACT.

82. Whenever in any proceedings it shall be necessary to prove that a labourer is or was under contract the original contract or a copy thereof certified by a District Officer or an Inspector shall be evidence that the labourer mentioned in the contract is or was under contract as therein stated.

LEVYING OF  
MONEY ORDERED  
TO BE PAID BY  
LABOURER.

83. If in any proceedings before the Court any money is ordered by the Court to be paid by a labourer the amount thereof may if the Court so order be levied by deduction from the labourer's wages in such manner as the Court may direct.

EVIDENCE OF  
APPOINTMENTS  
AND SERVICE OF  
DOCUMENTS.

84.—(1) In any proceedings under this Regulation no proof shall be required of the appointment or hand-writing of any officer.

(2) Every order notice or other instrument under this Regulation may be served on the person to be affected thereby either by the delivery thereof to him personally or by the delivery thereof for him at his last known place of abode or business or by the sending thereof through the post in a registered letter addressed to him there.

COPY OF GAZETTE  
EVIDENCE OF  
ORDERS ETC.

85. Any paper purporting to be a copy of the Gazette containing the publication of any order notice or other instrument or rules given or made under this Regulation shall be sufficient evidence of such order notice other instrument or rules.

RULES UNDER REGULATION.

86.—(1) The Resident Commissioner may from time to time make rules respecting the lodging rations bedding clothing hospital and sick accommodation and equipment medical care medicines medical appliances and accessories to be provided for recruits labourers or natives awaiting or in the course of being returned home after service and their wives and children accompanying them if any the permits licences books registers returns forms and other documents hereinbefore provided for and any other matter for carrying this Regulation into effect and may fix any penalty not exceeding twenty pounds or in default of payment imprisonment for not exceeding three months for the breach of any such rules.

RESIDENT  
COMMISSIONER  
MAY MAKE  
RULES.

(2) Such rules shall upon publication in the Gazette have the force of law as if they were part of this Regulation but shall be subject to disallowance or alteration at any time by the High Commissioner.

87. In respect of any of the several matters mentioned in the scale of fees contained in the Schedule hereto the proper fee therein specified shall be paid by the employer master of the vessel or agent as the case may be who is the party to the respective matter.

FEES FOR  
DOCUMENTS.

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Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this ninth day of August one thousand nine hundred and twenty-one.

By Command,

ROGER GREENE,  
Secretary to His Britannic Majesty's High  
Commissioner for the Western Pacific.

Solomons Labour Regulation 1921.

SCHEDULES.

FORM 1.—(Section 18.)

Solomons Labour Regulation 1921.

LICENCE FOR VESSELS TO CARRY NATIVES.

THE.....of.....which is more particularly described below is hereby licensed to carry within the British Solomon Islands Protectorate not more than..... natives in all inclusive of natives employed on board subject to the provisions of this licence and the Solomons Labour Regulation 1921.

This licence is not transferable and shall be valid only for the period of.....from the date hereof subject to cancellation or suspension by the Resident Commissioner.

If he fail to observe the said provisions the master of the vessel shall be guilty of an offence against the said Regulation.

Description of Vessel.

- Name of vessel.....
- Nature of vessel (*i.e.*, sailing steamer auxiliary).....
- Tonnage (net registered or equivalent).....
- Rig .....
- How painted.....
- Number of boats to be carried.....
- Name of master.....
- Name of chief officer.....
- Name of owner.....
- Number of natives employed on board.....
- Number of natives that may be carried exclusive of natives employed on board .....

When the vessel carries cargo the above specified number of natives in all who may be carried shall be reduced by and in the proportion of one native for every .....ton of cargo carried.

No female native shall except in a special case with the written permission of a District Officer or an Inspector be carried by the vessel unless she be travelling with and in the immediate care of an adult male relative who is her husband father uncle or brother.

Dated this.....day of.....19.....

.....  
Chief Inspector.

FORM 2.—(Section 19.)

Solomons Labour Regulation 1921.

PERMIT TO ENGAGE LABOURERS UNDER CONTRACT.

.....of.....is hereby permitted to engage under contract any number of labourers not exceeding in the aggregate.....to be employed in his service on.....plantation/vessel at.....to work for a period not exceeding.....months at the rate of not less than six pounds per annum.

This permit to be in force for.....months from the date hereof unless the number of labourers shall be engaged under it at any time within such period and subject to cancellation or suspension according to law.

Dated at.....this.....day of.....19...

.....  
District Officer or  
Chief Inspector.

Officer to endorse on permit the number, &c., of labourers engaged under it thus:—

Date.	Number of labourers engaged.	Island and village.	Signature of officer.

*Letter of Agency to Engage Labourers.*

I.....of.....do hereby  
 authorise.....licensed agent to recruit and  
 engage for me under contract on my behalf in accordance with the  
 provisions of the Solomons Labour Regulation 1921.....  
 natives as labourers on.....plantation/vessel.

Dated this.....day of.....19.....

Witness—

.....  
 Signature of Employer.

FORM 3.—(Section 20.)

*Solomons Labour Regulation 1921.*

LICENCE TO ACT AS AGENT FOR RECRUITING AND ENGAGEMENT UNDER  
 CONTRACT OF LABOURERS.

.....of.....is hereby  
 licensed to recruit and engage under contract any number of labourers  
 not exceeding in the aggregate.....for service with such  
 employers as may appoint him to be their agent for this purpose.

This licence to be in force for.....months from the  
 date hereof unless the above number of labourers shall be engaged under  
 it at any time within that period and subject to cancellation or suspen-  
 sion according to law.

Dated at.....this.....day of.....19...

.....  
 District Officer or  
 Chief Inspector.

Officer to endorse on licence the number &c. of labourers engaged  
 under it thus:—

Date.	Number of labourers engaged.	Island and village.	Employer.	Signature of officer.

FORM 4.—(Section 24.)

*Solomons Labour Regulation 1921.*

MEMORANDUM OF CONTRACT.

MEMORANDUM of contract of service made this.....  
 day of.....19..... between.....  
 of..... (hereinafter called the employer) of the one part  
 and the undersigned native (hereinafter called the labourer) of the other  
 part.

The labourer engages to serve the employer as.....  
 on..... and otherwise in the like employment make him-  
 self generally useful thereon for the term of.....  
 from the date hereof in consideration of which services the employer  
 agrees to pay to the labourer wages at the rate of.....  
 a month paying to the labourer monthly one-fourth of his earnings  
 and the remainder of those earnings at the termination of his services  
 and overtime wages as provided by law for extra work.

*Solomons Labour Regulation 1921.*

This contract is subject to the provisions of the Solomons Labour Regulation 1921.

Official number.	Native name.	Age.	Village.	Neighbourhood.	Island.	Signature or mark of labourer.	Names of recruiting agent and vessel.	Name of wife and names and ages of children if any accompany.

.....  
 Witnessed and ratified at.....by me  
 .....  
 District Officer or Inspector.

FORM 5.—(Section 29.)  
*Solomons Labour Regulation 1921.*

OVERTIME SHEET FOR MONTH OF.....  
 LABOURERS UNDER CONTRACT.  
 .....Plantation/vessel.

Name of labourer.	Regd. No.	Description of work.	Extra hours or task worked.	Amount paid.	
				s.	d.

.....  
 Date.....  
 .....  
 Employer.

FORM 6.—(Section 29 (7).)  
*Solomons Labour Regulation 1921.*

CASUAL WORK RETURN FOR MONTH OF.....  
 .....Plantation/vessel.

Name of worker.	Village and island.	Sex.	Whether adult or child.	Description of work.	Days, hours, or tasks.	Amount paid.		
						£	s.	d.

.....  
 Date.....  
 .....  
 Employer.





Solomons Labour Regulation 1921.

FORM 8.—(Section 52.)

Solomons Labour Regulation 1921.

PLANTATION HOSPITAL.

ADMISSION AND DISCHARGE REGISTER OF THE CERTIFIED HOSPITAL  
AT.....PLANTATION.

Year.....

Hospital No.	Name of patient and official number if under contract.	Whence admitted if not belonging to plantation.	Village and island.	Disease or injury.	Date (to nearest hour) of			Remarks.
					Admission	Discharge	Death	

FORM 9.—(Section 57.)

Solomons Labour Regulation 1921.

DEATH REPORT.

(To be accompanied if possible by Medical Certificate.)

Name of deceased.....  
 Official number (if under contract).....  
 Village .....,  
 Island .....,  
 Name and address and degree of relationship of nearest relative.....  
 Date of engagement.....  
 Date to nearest hour when last working.....  
 Date and place of death.....  
 Description and date to nearest hour of earliest symptoms.....  
 Description of last symptoms.....  
 Opinion as to cause of death.....  
 Length of illness previous to death.....  
 Witness to death.....  
 Total wages paid to deceased.....  
 Balance of wages due to deceased.....  
 Other effects .....

I the undersigned employer of (or master of vessel conveying) .....deceased hereby certify the foregoing particulars to be true and correct.

Name of plantation or vessel.....

.....  
 Employer of (or master of vessel conveying) deceased.

Date.....

SCALE OF FEES.—(Section 87.)

	s.	d.
For a permit granted under section six .. ..	10	0
For an employer's permit to engage labourers (Form 2) .. ..	2	6
For an agent's licence to recruit &c. (Form 3).. ..	5	0
For each native under contract according to Form 4 ..	1	0

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