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THE £3 TAX DEBATE

IN the House of Assembly on the 23rd instant, in reply to a question put by Mr. Baxter (Capetown, Gardens), the MINISTER of FINANCE said that the tax of £3 per head on Indians in Natal, which produced a revenue of £10,000 per annum, did not figure any more as a revenue assigned to Natal. That was done because it was considered undesirable to assign such revenue. It had been thought better to keep this as a central revenue, and rather give Natal an equivalent of the £10,000, and that was why the special subsidy under the Finance Relations Bill had been raised from £80,000 to 90,000. It was thought better to keep the revenue from this tax in the control of the central Government, in order that the whole question, with regard to the abolition of the tax, might be considered by the Union Parliament on its merits. When Mr. Gokhale was here he pressed very strongly for the abolition of this tax, and was told by him (the Minister) that the question of the proceeds of that tax, which were small, would not stand in the way of any question of a policy of abolishing that tax if that were considered advisable. Of course, continued the Hon. Mr. Smuts, there was the question of policy which was very important. There was no doubt that when this tax was imposed the policy of the then Natal Government was to force the Indians who did not re-indenture back to India; and, if they remained in Natal, they would have to pay this £3. The Natal Government at that time pressed very strongly for these indentures to expire in India, but that was a policy to which the Indian Government would not agree. The Natal Government decided that if these men were to remain in Natal as free men, they (the Government) would impose some inducement to make them return to their own country, and that was how this tax came into existence. It was imposed with the consent of the Indian Government, and the Indian Government still agreed to it. It was not imposed as a revenue-producing tax. The Minister went on to say that he was discussing the question of the policy of the tax with representatives of Natal, both in that House and in the Senate; and if there was no grave objection to it then the matter of £10,000 it at present yielded from, he had to say, an imperfect collection would not, as he said before make any difference to the Government.

MR. BAXTER (Capetown, Gardens) said that his argument was that it was one of the main points insisted upon by the Imperial Government that this £3 tax should be abolished. And he had understood the Minister on a former occasion to say that it was for the purpose of taking it off that this increased subsidy had been made in the Financial Relations Bill.

The Hon. Mr. SMUTS replied that that was not the case.

Mr. SCHREINER (Tembuland) held that originally

this tax was only meant to apply to men, whereas it was also imposed on women and children.

Sir DAVID HUNTER (Durban, Central) said that at an earlier stage of the session he had put a question to the Minister as to this tax, and was told that it was under consideration. He (Sir David Hunter) had waited patiently, and during the second reading debate on the Immigration Bill had endeavoured to draw the Minister, but, up to the present, no information had been forthcoming. That day he had given notice of a question as to an Indian from the neighbourhood of Verulam being imprisoned with hard labour for failure to pay his £3 tax. He might say that this subject had caused irritation among the Indian population, and it should be solved as soon as possible. The history of the matter was not quite as had been stated. There was no doubt that the tax was imposed for the purpose of revenue, but it was also hoped that the Indians, after their indentures, would return to India. The tax had not had that effect, although a great many had returned. To-day there was no very great desire on the part of the Natal people that these Indians should return to India, as that would only accentuate the labour shortage. He thought that the House should now be told what the intentions of the Government were. The application of the tax to women and children was never intended originally, and the cause of irritation in that respect might well be removed by a Departmental instruction.

Sir THOS. SMARTT (Fort Beaufort) took strong exception to the Minister coming to a decision on the policy of this tax after consultation with a certain section of that and the other House. That was an extraordinary procedure, surely, upon a question of policy. All sections of Parliament should be responsible for the attitude adopted. The Minister should take the responsibility of saying whether this tax should be abolished or not, and should not wait upon the decision of a section of the House.

Mr. ORR (Maritzburg North) said that during the whole of that session when anything arose in connection with Natal it had been the habit of members on the front Opposition bench to go for Natal. He hoped the Natal people would take a note of this, and demand an explanation when the members in question toured the Province, as they did last year. The Minister had distinctly said that he wished to consult the members from Natal in regard to this question. Was there anything unconstitutional, heinous, or criminal in consulting persons intimately concerned with a certain thing? He (Mr. Orr) had never heard more rubbish talked.

Mr. HENWOOD (Victoria County) asserted that this tax was not imposed for the sake of taxation. He did not think that there was any feeling in Natal that this tax should be taken off the men, though it might be taken off the women and children. Mr. Henwood, referring to Mr. Orr's remarks, thought that members of

the front Opposition bench were just as willing to advocate the interests of Natal as those of any other Province.

Mr. BOYDELL (Durban, Greyville) was sorry to see that the Minister had got hold of the orthodox view as to why this tax was imposed. The real reason for the tax, which was put on by the sugar planters—who were at that time the men in power in Natal—was, not to send these people back to India, but to coerce them to re-indenture. Had there been a desire to drive them back to India, there would have been a serious attempt to collect this tax, which there had not been. The tax was an iniquitous one, and amounted to £15 per family of three.

Mr. JAGGER (Capetown, Central) said that they were now getting at the truth of this matter—namely, that the Minister wished to consult the sugar industry, including his "mbongo" (Mr. Orr). Anyone who had considered this matter seriously must be disappointed at the attitude of the Minister. He (Mr. Jagger) certainly had been under the impression that the removal of this tax was part of the understanding arrived at with the Imperial Government. Mr. Jagger accepted Mr. Boydell's view that this tax was levied for the benefit of the sugar industry. He (Mr. Jagger) would like to see the Indians out of Natal, but they were there, and they had to make the best of them, and they should therefore treat this matter on a statesmanlike basis.

Mr. FAWCUS (Umlazi) said that Mr. Boydell and Mr. Jagger required some little correction. He asserted that there was absolutely no doubt that the real reason for the tax was to force these people back to India.

Sir DAVID HUNTER (Durban, Central) pressed for a reply from the Minister.

The Hon. Mr. SMUTS, replying, said. With regard to the Indian question, he could not say more than he had already told the House. He was considering the matter, and the best consideration he could give to the subject was to consult the people most directly concerned. He found the greatest diversity of opinion among Natal men on this question, but one could get a common policy. No doubt they would then be able to get legislation brought forward for the consideration of the House. A Constitutional question must, of course, be submitted for the decision of the whole House.

Mr. HENDERSON (Durban, Beren) said that the Minister had never consulted him on this question.

Mr. BAXTER (Capetown, Gardens) denied that this was a question which only concerned the Natal members.—Reuter.

Trading in Locations

It was reported to the Germiston Chamber of Commerce (says the *Transvaal Leader*) that trading licences had been granted to Asiatics in the location. Mr. Preddy said the municipal by-laws and gold law were in conflict. He thought it only fair that natives should be allowed to trade among themselves. The natives in Boksburg location were public-spirited, and had settled the question by an organised boycott of the Asiatics. He thought the provisions of the gold law should be applied to Asiatics in the location.

Mr. Brammer said that whether the Asiatics in the location were trading illegally, whether they had licences or not, it seemed that one official was above the law.

Mr. Hills explained the position at Boksburg. The natives had fought for licences to trade in the location, and had boycotted the Asiatic traders there, with the result that the Government had climbed down, and instructed the licencing officer to grant licences to both natives and Asiatics. Now natives were trading, but the licences were useless to Asiatics in the Boksburg location, as they had no customers.

Mr. Brammer said that if officials were to take high-handed action and grant licences to trade in the location, it would cause endless confusion.

Mr. Preddy said the point was that the Asiatics were not in the location, but in the Bazaar. The Bazaar was adjacent to the location, but was a separate location.

Mr. Hills said the Receiver of Revenue was in a position that he simply issued a licence to trade, and had no concern with the ground on which trading was carried on. If persons traded on forbidden ground, they did so at their own risk.

Messrs. Preddy and Brammer thought there was some mistake, as their experience was that the Receiver of Revenue was most particular to know who was proposed to trade.

It was resolved that the attention of the Municipal Council be drawn to the fact that Asiatics were trading in the location and to ask whether there was any reason why they should not be prosecuted.

The Health Committee of the Germiston Municipal Council (says the *East Rand Express*) reported that they had received the resolution adopted by the Germiston Chamber of Commerce. The following opinion of the Town Solicitors was submitted: In this matter we have, as verbally instructed, interviewed the Receiver of Revenue with regard to the issuing of trading licences in the Germiston Location to occupiers of stands. He informed us that his instructions were to issue applications for such licences to the Mining Commissioner, Boksburg, who invariably recommends the same be issued. We thereupon rang up the Mining Commissioner, and he informed us that his Department considered that it had no right to prohibit the issue of any licence for the mere reason that the premises on ground held under mining title. The law relating to the issue of trading licences certainly does not cast any onus upon the officer issuing trading dealers' licences to inquire into the legal rights of the applicant for a licence to the premises for which the application is made. Section 81 of the Gold Law, however, makes it an offence for any person to trade on ground held under Mining Title, and it makes any contract entered into in respect thereof subject to a penalty. It would therefore be competent for the Government to prosecute any person trading in the location under a licence issued to such person. Mr. Hamel informs us, however, that the Government is not taking any steps to stop such trading, as a Bill has been drafted and will be before the Union Parliament shortly to legalise the position of the Germiston, Boksburg, and Municipal Locations, which are all situated on ground held under mining title.

The committee recommended that the opinion of the Town Solicitors, as quoted in the above report, be forwarded in reply to the Germiston Chamber of Commerce.

Cr. White asked if any steps were being taken to set aside sites for trading in the new location.

Cr. McAlister answered in the negative, as he had told at the time that no trading would be permitted.

Cr. Peach asked why the Council provided no opinion for the Chamber of Commerce.

Cr. McAlister said that the Health Committee thought it of public interest.

Cr. White asked if it was not possible to stop trading until the sites were definitely set aside.

Cr. McAlister said they could not take steps to stop trading until the Government had established the location as a local authority. They had set inquiries afoot and given instructions to the lawyers before they heard from the Chamber of Commerce.

Cr. White wanted to know what the position was as to licences already granted.

Cr. McAlister said the Asiatics were removed from the location, and understanding there should be no trading.

Cr. White: On what tenure do the Asiatics hold their stands?

Cr. McAlister: One month's notice.

Cr. White moved that it be an instruction to the Health Committee to give Asiatics trading in the location one month's notice to quit.

Cr. Wentzel seconded.

Cr. Wade was of opinion that the matter should be left to the Health Committee.

Cr. White said that as it was a clear understanding that no trading would be allowed the Council had the power to give notice to those who did trade.

Cr. Brammer asked Cr. White to agree to the matter being referred to the General Purposes Committee.

Cr. White consented, and the question was referred to the General Purposes Committee.

From the Editor's Chair

THE OUTLOOK

It is difficult to state definitely the position that now faces our countrymen under Mr. Fischer's Bill. It must be admitted that some amendments (we refuse to call them concessions) in the right direction have, undoubtedly, been made. But much more must be done if there is to be no revival of passive resistance, and if there is to be even a bare fulfilment of the terms of the provisional settlement of 1911. Not a single existing right can be surrendered. Passive resisters may not—dare not—buy peace and freedom from imprisonment at the cost of the rights of others. And yet the right of South Africa-born Indians to enter the Cape, which they possess to-day in virtue of the Cape Immigration Act of 1906, is being taken away by the Bill. South Africa-born Indians, *i.e.*, in practice, the Natal-born Indians, are not pining to go to the Cape. They rarely evinced any such desire throughout all these years. But they will certainly not give up on that account the right they possess of being able to enter the Cape. Nor can passive resisters be party to a Bill which deprives them of such a right.

That Mr. Fischer has accepted the marriage amendment, moved by Mr. Advocate Alexander, shows, let us assume, a desire on his part to meet us on the point. But, through no fault of Mr. Alexander's, the amendment has a fatal defect in it. It requires re-registration at the place of celebration. Mr. Alexander does not know that there is no system of registration of marriages in India. It is, therefore, not possible to produce registration certificates. This impossible requirement makes the amendment useless for the very purpose for which it is intended.

Nor is registration necessary as a safeguard against the introduction of undesirable women. In the first place, the amendment requires the marriages to be celebrated in accordance with the faiths of the respective parties. Indian marriages are accompanied with great solemnity and elaborate ceremonial, lasting for days, and in some cases even months. Indeed, there is much greater publicity and ceremonial about ordinary Indian marriages than there is in the publication of banns that precede European Christian marriages. This in itself acts as a perfect safeguard better than any system of registration that could be devised. In the second place, it is a well-known fact that there is hardly a case on record during the past thirty years or more of an undesirable Indian woman having been introduced, although Indian women have entered until lately, on the mere verbal statement of their husbands. It should, therefore, cause no difficulty to remove the registration clause during the progress of the Bill in the Senate.

And if this marriage question is settled, and no other existing rights are taken away, and if the Free State difficulty is satisfactorily solved, there will remain the one question of the existing right of the South Africa-born Indians. We can only hope that the Senate will rise to the occasion, the Government will see the necessity of fulfilling a solemn compact, and that this right will be restored. But, if it is not, passive resisters will fight, we have no doubt, on that single issue.

BLOOD MONEY

NOTHING could be more unsatisfactory than General Smuts' statement regarding the £3 tax on ex-indentured Indians, which we do not hesitate to call blood money. Mr. Gokhale, undoubtedly, left South Africa with the clearest impression created on his mind that the hateful tax was going at the earliest possible moment. Indeed, he made public declarations inducing the belief that the Government would repeal the tax during the present session. Now General Smuts hesitates and vacillates, not because the paltry £10,000 produced from the cruel impost is of any use for revenue, not because there is now any desire on the part of the people of Natal that these men should leave the Province, but because the men, women and children, if they are made to pay the tax, might be obliged to re-indenture themselves. This is the matter of policy which alone, as Mr. Jagger put it, General Smuts could have in mind.

It will be remembered that the tax was strongly condemned during Mr. Gokhale's visit by Natalians of all shades of opinion. The whole of the Natal Press welcomed the announcement that the tax was to be removed. Such men as Mr. Marshall Campbell and Sir J. L. Hulett did likewise. The Durban Chamber of Commerce, whom Mr. Gokhale met, assured him of their hearty approval of the proposed repeal of the tax. If the tax is not repealed after all this, it would be a wanton betrayal of trust. But the Government may rest assured that, in this question, they have to fight not only the Indian community of South Africa, whom they may ignore, not only the Imperial Government, who can always with safety be put off with some excuse or another, but they have to reckon with one who represents the voice of India and who, the world knows, is not likely to sit still under a wilful breach of promise made to him.

MUNIEN'S CASE

THE evidence in this case and the cruel sentence passed by the Verulam Magistrate were reported by us a fortnight ago in these columns. Thanks to the sympathy of Sir David Hunter, the case became the subject matter of a question by him in the House of Assembly. Mr. Sauer gave a chill, unsympathetic and haughty reply to Sir David's very pertinent question. Readers can see elsewhere both the question and the answer, and judge, for themselves. It is plain to us that Mr. Sauer gave the answer he did because the matter was one that concerned only a poor, neglected ex-indentured man, belonging to a race that is unrepresented in the House that Mr. Sauer and his colleagues dominate, and that is labouring under a prejudice which makes it possible for anybody to heap insults upon it with impunity. Had the case been that of a European, Mr. Sauer would not have dared in a most careless manner to shirk inquiry, profess and glory in his ignorance of the case and consider Magistrates' decisions above criticism by the Legislature, which, after all, is the body finally responsible for the well-being of the meanest subject of the State.

But truly does pride go before destruction and haughtiness before a fall. Hardly had Mr. Sauer finished his heartless reply when Justice Hatherly began his review of the Magistrate's action and considered it to be so irregular and illegal that he quashed the conviction against Munien and awarded him costs of appeal. The Magistrate, who was more jealous of obedience to his orders than of the welfare of those who had the misfortune to appear before him, gave as a reason for his vindictive judgment that Munien was punished as an example to others, so that his orders might be obeyed by them. We suppose Mr. Sauer's cynicism will permit him even now to justify the Magistrate and his own action in shirking his

When is an Asiatic a European ?

Mr. Polak writes as follows to the *Natal Mercury*:—
 Judgments of the Appellate Division of the Supreme Court are usually so framed as to render criticism impertinent. Sometimes, however, they provoke, if not criticism, at least anxious thought, and none, I venture to think, more so than the recent decision of the Court that a Syrian Christian is a European and not an Asiatic. Most people, I am sure, who know anything about Transvaal Law 3 of 1885 will rejoice sincerely that the Court has been able to interpret that measure so liberally as to exempt such persons from its provisions. Speaking for myself, I can imagine nothing more injurious than the addition of an appreciable number of victims to those already subject to the iniquitous anti-Asiatic legislation of that Province. But, after all, it was not a question of what the equities demanded, but what the law meant, and I should like to set forth some of the implications of this remarkable judgment. Article 1 of Law 3 of 1885 applies to the persons belonging to "any of the native races of Asia." Apparently, a Syrian Christian does not belong to one of those native races, even though born and descended from those born in Asia Minor. It is also stated that a Palestine Jew is exempted from this law. I remember that the late Mr. Stead suggested that there would not have been any Asiatic trouble at all in the Transvaal if the anti-Asiatic legislation had been applied to my co-religionists. One can quite well understand that Jews born and bred in Europe are no longer regarded as Asiatics, but it will be news to many a Jew, like myself, that his Palestinian co-religionists, with all their Eastern customs, clothed and living as typical Orientals, are in fact Europeans, and not Asiatics after all. How easy it seems to push back Continental frontiers! But what is the reason given for these strange exemptions? That the Syrian Christian and the Syrian Jew are white. Then what about the Syrian Mahomedan? He, too, is as white as the others. But, alas! he is specifically mentioned in the Law as a "Mahomedan subject to the Turkish Dominion," and even though a Mahomedan Turk were born in Europe—such cases came to my notice in 1907—he is liable to all the pains and penalties enumerated in the Law by the Appellate Division Judges. What, again, about Afghans and Persians, many of whom are as white as any of us? Now, Great Britain is to-day the greatest Mahomedan Power in the world, and this decision—that a Syrian Christian and a Syrian Jew are to be regarded as a European, whilst a Syrian Mahomedan is to be treated as an Asiatic—is likely to cause much food for reflection in Mussulman circles in India, following upon the Searle judgment that declared the illegality of the marriages of Indian Mussulmans and other non-Christian Indians who had celebrated them according to the solemn rites of their faiths.

But the consequences of this judgment do not end here. Though a Syrian Jew is exempt, it is certain that the dark Beni Israelite of Bombay, the white Jew of Cochin, British subjects both, and the yellow Jew of China would not be exempt—at least, unless immigration officers were instructed to break the law. Then, this white alien Christian from Western Asia—should, of course, having regard to the new geography, be remembered that Christian Asia Minor is now a part of Eastern Europe—is exempt. But his darker co-religionist born in South Africa, a British subject of Indian race, is not exempt. Nay, more, I have in mind a high dignitary of the Church of England in India, the Anglican diocesan Bishop of Dornakul. He is the equal, in India, of any other Bishop of the Church, and the superior within his own diocese. But a native Indian, and this white Syrian Christian has the honours conferred upon him by the Appellate Division of the Supreme Court. The Judges would be bound to deny this immensely cultured but darker-skinned co-religionist from

India. But the test, we may be told, is that of "whiteness," and not Christianity. Well, when the Hon. Mr. Gokhale was in the Transvaal I could have pointed out any number of darker "white" men than he. But that did not protect him from being legally a prohibited immigrant whilst in that Province. When I was travelling in India, I came across large numbers of Cashmiri Hindus, Northern Indian Mahomedans, and Western Indian Parsees, fairer than many South African whites. But they would be liable to all the penalties set forth by the learned judges of the Appellate Division, who would not be able to lift a finger to protect them from insult to their culture and their races. The Judges have given a decision based upon the "popular" meaning of a term that nobody supposed was in any doubt until the doubt was raised before the Court. If popular meanings are to be imported into legal decisions, who can say what pains and penalties are in store for the "coolies" of South Africa, and what decision separating the sheep from the goats may yet be upset?

The Colonial Born Indians' Meeting

The following is the full text of Mr. Royeppen's speech at the Johannesburg meeting of which we gave a brief report last week.

We are assembled once again to record our respectful and emphatic protest against the provisions of the Immigration Bill now before Parliament. As you are aware, if this Bill should become Law our position in the Union will be worse than ever it has been since the arrival of Indians in South Africa. As Indians born in South Africa, and having no home outside South Africa, it is reasonable that we should have at least freedom of movement over the Union for the purposes of our livelihood and existence. But this is to be denied us even as South Africans under the coming law. I do not propose to enter into the great and grievous objections we have against the other provisions of this Bill. Our objections are now in the hands of the Government, having been forwarded by the British Indian Association and other representative bodies throughout the Union, and we are assembled here to-day to support the resolutions conveying those objections. Gentlemen, in our eagerness and anxiety over this matter we would appear to have put the Government under the impression that we are eager to revive Passive Resistance. How can this be when Passive Resistance means practical ruin to us? The world knows that we have suffered much and we know best of all how reluctant we are to revive the movement. But, Gentlemen, when we are forced into a position where we have to choose between our personal and national honour and self-respect, and complete social and moral degradation, it lies with you as individuals and a community to declare for one or the other. It is quite needless to reiterate that the Indians of the Union have all along been, and are even actuated by only friendly feelings towards the Government and ever solicitous of a happy and satisfactory solution to the question. But we cannot but, as self-respecting men and citizens of the Empire, protect our national and individual honour. Gentlemen, this feeble explanation of the situation would be altogether incomplete and fail of any useful purpose, if I did not call your attention to the present legal position of our wives and mothers and our sisters that are to be wives. The Searle judgment has declared against the validity of unregistered Indian marriages and the subsequent judgment of a Natal Judge more fully reduces Indian wives to the status of concubines and their children to the status of illegitimates. This is a wholly unexpected assault upon the great religious institutions of our country and upon the religions of three quarters of the Empire's population. It is to be earnestly hoped that

that Government may be pleased to so amend the Law that this the latest and the darkest of all degradations may be speedily removed and our wives and children reinstated in the eyes of the Law.

Mr. Kallenbach, who was present at the meeting, speaking by invitation, said that his sympathies were entirely with the Indians in their struggle. He reminded the meeting that Tolstoy considered their passive resistance as one of the greatest movements in the world. He knew that imprisonment, suffered for conscience' sake, was the best discipline a person could have. And he regretted that he could not, being a European, look forward to the discipline that probably awaited his hearers.

The Bill Passes the House

On Monday last the Immigrants Restriction Bill, as amended in the Committee of the Whole House, was considered.

In Clause 5, sub-Section (e), which stated that persons not deemed prohibited immigrants should include "any person born of parents then domiciled in any part of South Africa included in the Union,"

The MINISTER moved the deletion of the words "of parents then domiciled" for the purpose of inserting "whose parents were then domiciled therein" at the end of the paragraph.

Mr. ALEXANDER (Capetown, Castle) moved the deletion of all reference to the domicile of the parents, and argued that if such a reference were allowed to remain it would affect Natal-born Indians, who would have to prove their parents were domiciled in the country before they (the children) could have the right to remain in the country.

Mr. MEYLER (Weenen) asked whether any rights were taken away by the amendment.

Mr. C. L. BOTHA (Bloemfontein) said the determination of the question of domicile was one of the most difficult questions possible. He pointed to the possibility that some children might be prohibited immigrants, whilst other children of the same parents, being of a different age, might not be prohibited immigrants.

Mr. CHAPLIN (Germiston) referred to the possibility of the legal rights of the Indian people being interfered with.

The MINISTER of RAILWAYS (the Hon. Mr. Burton), on behalf of the Minister of the Interior, said this amendment was merely an alteration in drafting, and was not intended to affect the rights of Indians detrimentally.

Mr. DUNCAN (Fordsburg) said that the question was what effect this amendment would have on people who were born in South Africa, but whose parents were not domiciled here when they were born. He thought that the Government ought to consider that the danger which the Government might try to prevent by this amendment was not as serious as the inroad the Government might make on the rights of others.

Mr. RUNCIMAN (South Peninsula) moved that the Bill be re-committed for the purposes of reconsidering the clause.

This was negatived.

The Minister's amendments were adopted.

On Clause 5, Mr. ALEXANDER (Capetown, Castle) had an amendment to include the wives and children of monogamous marriages as amongst the non-prohibited Indians. The amendment read, that a person should not be deemed a prohibited immigrant who was the wife or child of a certain class of immigrant, "including the wife or child of a lawful and monogamous marriage duly celebrated according to the rites of any religious faith outside the Union, and duly registered at the place of celebration, and having all regard to the consequences of the lawful marriage duly celebrated within the Union." Mr. Alexander held that he had

met the difficulties raised by members in the Committee stage by the wording of his amendment. It had been pointed out by the speakers that the Indians wanted recognition of polygamous marriages, but he had received telegrams from leaders of the Mohammedan religion stating that they did not demand the recognition of polygamy. The amendment would ensure all the lawful consequences of an ordinary man according to Christian rights; it would protect the State and the policy of Union, and, at the same time enable them to say to those of the Mohammedan religion, "We have not discriminated against you in your faith." By this amendment they satisfied their own consciences that they were not discriminating against any religion, and by the amendment they would allay a good deal of feeling in the country.

The MINISTER of the INTERIOR said that if the hon. member, who seemed to be fairly well in touch with the grievances, or alleged grievances, of the Indian community, had reason to believe that this amendment would really meet what these people objected to, he (the Minister) would be prepared to accept it; but if this amendment was only going to lead to further amendment to-morrow he (the Minister) thought it would be best to fight the matter on its merits as it stood.

Mr. CHAPLIN (Germiston), while not conceding that the amendment would wholly satisfy all the Indians, thought it would go a long way towards a settlement.

Sir DAVID HUNTER (Durban, Central) read telegrams from the heads of the Indian community protesting against the clause as it stood; but he (Sir David) thought Mr. Alexander's amendment would tend to remove the irritation.

The MINISTER of the INTERIOR: "On these assurances I accept the amendment."

The amendment was then agreed to, amidst Opposition cheers.

The Bill was read a third time, and transmitted to the Senate for its concurrence.—Reuter.

£3 Tax Persecution

In connection with the case, reported in our issue of the 17th instant, of an Indian, named Munien, who had been sentenced to 14 days' hard labour for alleged contempt of Court, by the Verulam Magistrate, Sir DAVID HUNTER asked the Minister of Justice in the House of Assembly on Tuesday, whether the case of an Indian named Munien, recently sentenced by the Magistrate of Verulam to imprisonment with hard labour for alleged contempt of Court in connection with Munien's delay in payment of his £3 licence has had his attention, and whether he would inquire into the matter and place the papers and records upon the table of the House.

The Hon. Mr. SAUER, in reply, said that his attention had not been directed to this matter prior to this question. He regretted that he had not sufficient information to warrant any inquiry. Besides the House could not, and would not, attempt in the slightest to interfere with the Magistrate in the discharge of his duty. He could not lay the papers on the table, because he did not think the House should constitute itself a tribunal to adjudicate upon the decisions of magistrates.

In the Durban Circuit Court, on Tuesday, Mr. Justice Hathorn being on the Bench, Munien appealed against the judgment of Mr. Matthews (magistrate).

Mr. Cecil Cowley, instructed by Mr. A. B. Wells, of Verulam (says the *Natal Mercury*), appeared for the appellant, and Mr. E. W. Baxter, of the Attorney-General's Office, represented the Minister of Justice, who was cited as defendant on behalf of the Government. The appellant was brought before the Magistrate on a writ of arrest for having failed to pay £2 ros. owing as a

balance under judgments of the Court in 1919 for £12 in respect of the £3 Indian tax for four years. On being asked why he had failed to pay the £2 10s. the Indian stated that he understood that the tax was to be repealed. When told by the Magistrate that his was an erroneous notion, the Indian paid the £2 10s. into Court. The Magistrate thereupon sentenced him to be imprisoned for 14 days, with hard labour, to be served at the Ndwedwe goal.

The appellant contended that the Magistrate was wrong on eight separate grounds, and these included that the proceedings in the Magistrate's Court were irregular and that the debt having been reduced from £12 to £2 10s., the Magistrate was wrong in his impression that no reduction had been made.

In his reasons the Magistrate said that he passed the sentence as he considered the judgment was likely to have a good effect on Indians who, as a class, had a tendency to treat orders of Court with the utmost contempt. He also considered that the Indian showed no good cause for not complying with the order of Court before being brought to trial.

After argument by Mr. Cowley, his Lordship asked Mr. Baxter if the Government intended to uphold the conviction. Mr. Baxter answered that the Government considered that the sentence passed should be upheld as the punishment was reasonable.

The Judge decided that when the money owing was paid the Government had no right to imprison appellant. If he had so desired the Magistrate could have punished him by ordering him to pay the costs of bringing him before the Court. Without going into the other grounds of appeal, he decided that the Magistrate's decision must be set aside, the sentence of imprisonment quashed, and the appeal upheld. As the appellant had had to go to Court to save himself from imprisonment, the respondent would have to pay the costs of the appeal.

Disabilities at Warmbaths

The chairman of the British Indian Association has addressed the following letter, dated the 7th instant, to the Secretary for Lands and Works:—

"My Association has been informed that there is presently no convenience for British Indians visiting Warmbaths to avail themselves of the public baths, the only bath-room that is at all available being now useless, owing to the failure of the water-supply there. Several Indian patients who have been recommended by Doctors to take these Baths have, therefore, been unable to do so. My Association, therefore, requests that a room may be set apart for the use of the Indian community at as early a date as possible."

Indians in Canada

On the 15th instant, Sir M. M. Bhowmaggree presided to-day at a meeting held under the auspices of the London Canadian Indian Immigration Committee, in Caxton Hall, when delegates from the British Indians in Canada described the injustice and hardship of the treatment of their compatriots in Canada.

Sir M. M. Bhowmaggree said they could at least be thankful that the position of the Indians was not so humiliating and degrading as in South Africa. There were 4,500 Indians resident in Canada, mostly in British Columbia, 90 per cent. of whom were Sikhs, who fought for the Empire, yet the Canadian Government passed a so-called "continuous journey" clause effectual by closing the further immigration of Indians, though Japanese and Chinese were still able to enter Canada.

Among the letters of regret for non-attendance was one from Lord Roberts, who wrote appreciating the hardships of the Indians, but adding that the question was most difficult, as it was impossible for the Imperial Government to dictate to the Dominion.

A resolution was adopted demanding the repeal of the "continuous journey" clause, the resolution to be forwarded to the Secretaries of State for the Colonies and India, also to the Government of the Dominion of Canada.—Reuter.

News in Brief

At the time of going to press we have received the information that important telegraphic communications have taken place between Mr. Fischer and Mr. Gandhi and that they are still continued. We hope to publish the correspondence next week. Meanwhile, it may be stated that, so far, the attitude of the Government seems to be unbending and that there is every prospect of a revival of the struggle in the near future. We are also in possession of important information that there is, after all, a probability of a Bill being brought up during the present session to repeal the £3 tax.

A parcel has been received by the Bazaar Secretary from the Misses Angelina, Rose, Beatrice and Grace Paul, of Durban, containing a shirt, ties, cushions, handkerchiefs, and other articles.

The Immigration Regulation Bill (the changed title of the Immigrants Restriction Bill) was read a first time in the Senate on Wednesday.

Commenting on the above debate the *Mercury's* Parliamentary correspondent wired:—

The Immigration Bill has passed its third reading, Mr. Alexander having induced the Minister to accept an amendment providing for the admission into the Union of the wives of domiciled persons. Provided the marriage is monogamous, the religion in which it has been celebrated will be immaterial. Mr. Fischer, however, wants it to be guaranteed that the concession will satisfy Asiatic sentiment, a point on which nobody was able to speak with authority. If the Asiatics were still not satisfied, it appears likely that he will expunge the amendment in the Senate, and leave the Bill as it was. It would seem, therefore, that the Asiatics would be advised to take what is now offered, and if they have legitimate grounds for demanding more, to wait for a future opportunity. Who is to blame for it, I don't know, but the Government seem very imperfectly acquainted with their feelings on the various matters effected by this Bill.

Thus the *South African News*:—"A Mayor's Madness.—The Mayor of Salisbury, a telegram informs us, presented a gold medal to a man who swung clubs for 121 hours, 'in recognition of his meritorious performance.' This kind of thing is enough to make one despair. We had thought that the craze for these senseless and brutal exhibitions had died down in South Africa, but it would appear not. Had the same man written a fine book, or painted a fine picture, we should probably never have heard about it; and certainly the one or the other would have found a very poor market in Salisbury. More certainly still, the author or the artist would never have been presented with a gold medal by the Mayor of the town 'in recognition of his meritorious performance.' Thus are our national celebrities made."

Them's my sentiments to a T, says the writer of "Echoes of the Week" in the *Natal Advertiser*. Then we find, cabled by Reuter to all parts of the civilised world in an 83-word message, the epoch-making news that Tom Burrows had swung the clubs at Aldershot for 107 hours, and had then become delirious, hurled the clubs at the attendants, had been overpowered, and finally regained his senses and fallen asleep. What a shocking waste of time, money, energy and endurance!