

Indian Opinion

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A WEEK OF EXCITEMENT

THE week which ended on the 8th instant will long be remembered as one of tremendous moment to the Indian community of South Africa. Each day there was reported the rapid development of the strike movement, and when, on Friday last, the news came to hand that Mr. Gandhi had been arrested, things seemed to have developed into a crisis. From the reports we have received ourselves and the summaries by Reuter and other correspondents, we give as completely a review of the happenings of the week as it is possible in the space and time at our disposal.

Mr. Gandhi wrote to the Secretary for Justice from Charlestown on the 31st ultimo pointing out that large numbers of Indians had surrendered themselves for arrest and, as the Government had no accommodation for them nor facility for feeding them, they were being fed and housed by the Indian Committee there at Government expense. Mr. Gandhi suggested that all the people should be arrested, but, if not, he stated that they would proceed with their march into the Transvaal—an event which he was anxious to avoid. He also warned the Government against allowing Indians to remain free on the border and stated that it was the desire of the passive resisters to guard in every way they could against the surreptitious entry of a single Indian.

A letter was addressed on the same day by Mr. Gandhi to the Immigration Officer, Pretoria, pointing out that all passive resisters receive at the Transvaal border three days' notice of appeal, although they declare they do not wish to appeal, and that they are allowed to roam about as they pleased. In Mr. Gandhi's opinion, the Act does not require the warning to be given in all circumstances.

On the 3rd instant, the *Advertiser's* correspondent at Newcastle telegraphed that the Indian passive resistance moment had assumed large dimensions.

Over 2,000 Indians were quartered in Newcastle, and a further 500 arrived from Ladysmith that day.

It was feared that an epidemic would result from the crowding together of such a number without proper sanitary provision. The municipal authorities wired to Pretoria refusing any responsibility should an epidemic break out.

So far as the mines themselves are concerned, says another report, there are practically no Indians working upon them, save at the Elandslaagte.

Ready to Cross the Border

On the 3rd instant Reuter wired from Volksrust that one thousand five hundred Indians were concentrated at Charlestown on Sunday, consisting practically of all the mines at Newcastle, but not those from Elandslaagte, where there has been no strike yet. Charlestown Indian merchants have assisted in every possible

way, and put their premises at the disposal of the resisters. The enclosed mosque grounds were used for cooking purposes. All were in sole charge of Mr. Gandhi. The resisters throughout Sunday were most orderly, and there were no disturbances. There have been no further arrests by the police. The 150 arrested by the police on Thursday were all from the Ballengeich Colliery. A lot of stores have been forwarded from the depôt at Newcastle where rations have been consigned from voluntary contributors in Durban.

Mr. Gandhi, interviewed, stated that he contemplated moving 1,500 men to the Transvaal to court arrest, and if not arrested they would proceed further, and would probably settle down on Mr. Kallenbach's farm at Tolstoy, near Lawley.

At Newcastle the public officials became anxious regarding the danger of such large numbers of Indians congregating in the town and desired to make arrangements to have a camp established across the river. Messrs. Kallenbach and Lazarus attended a meeting in the Council Chamber at which the Mayor, the Health Officer and the Sanitary Inspector were present. The Mayor explained that they could not possibly allow them to remain in town under the conditions now prevailing. It was altogether against their sanitary laws, but they were agreeable to allow them to go over the other side of the river.

Mr. Kallenbach said that he would take full responsibility, as far as he could, but he could not guarantee absolute control, as there were already a larger number of people arrived than he expected, and it was impossible to say how many more would come out, and of course, with the increasing number arriving, the difficulties of control would increase accordingly, but he would do all in his power to keep order, and to see that everything was kept as cleanly as possible. He wanted water-pipes, so that he could get his men to lay them from the existing mains, but on this point the Mayor would not agree, nor would the Health Officer, who contended that the first claimants upon the water were the citizens of Newcastle, for whom it was provided. The Mayor, however, promised to look into the matter, and let them know on Monday. Meanwhile, they must commence to get moved out of the town to the place selected for them. Mr. Kallenbach explained that he could not let the women and children remain out in the open; he must treat them as human beings, but they were getting tents, and as soon as they arrived they would have them put up, and as for the sanitary accommodation he would undertake to build latrines, with the strikers' assistance, on the spot over the river.

The matter of the six sick people was spoken of, and it was explained by the Health Officer that if they wanted the use of the hospital, they would have to conform to the existing rules and regulations of that

place, which he explained. At the same time a telegram was sent to the Prime Minister asking that they (the Government) should immediately take steps to make some provision, as this might at any time break out into an epidemic of great magnitude.

Newcastle Deserted

A special telegram to the *Natal Mercury* on the 5th instant states:—Newcastle is practically denuded of the resisters. One thousand left yesterday, marching to the border in a continual stream of batches, whilst 100 left by the train to-day. Another 600 have just been entrained and have left by the noon day train for up-country. The town appears to have assumed its normal aspect, although a few stragglers may still be here.

How the Border was Crossed

The *Volksrust* correspondent of the *Mercury* telegraphed on the 6th instant:—

Four thousand passive resisters crossed the border at Volksrust at 8 a.m. to-day, headed by Messrs. Gandhi and Kallenbach. Both were interviewed at the border by the superintendent of police. During the interview, amid wild cheers, a sudden rush was made, and the border was crossed by the resisters. The police for a few minutes were powerless to control the resisters, but later assumed effective control, regulating the march through the town.

A further telegram made the announcement that the police had received instructions by wire to arrest Mr. Gandhi and all his followers.

Reuters states that on Thursday morning 4,000 Indians left Charlestown at 6.30 for Volksrust, en route to Tolstoy Farm. They arrived at Volksrust at 8.30, and were marshalled by the Town Police, and passed quickly through the town. Outside town they halted for refreshments. Mr. Gandhi kept with the rear of the procession till after the border was passed, but he and his secretary then led the throng through the town. The journey to Tolstoy Farm would be completed in eight stages of about 24 miles a day.

Shortly before 9 o'clock (says a *Mercury* special) the procession of Indians appeared in sight about two miles from Volksrust. A large crowd of sightseers gathered at the border gate where the mounted police were lined across the road, the Superintendent of Police being in front with the Immigration Officer.

The head of the procession halted at the gate awaiting Mr. Gandhi, who was about a mile away. On Mr. Gandhi's arrival he was interviewed by the Superintendent of Police and the Immigration Officer, during which time the front ranks of resisters were being pushed from behind by their companions. All suddenly started cheering wildly, and made a sudden rush, sweeping the mounted police aside and entered the Transvaal.

Mr. Gandhi and the police made an immediate effort to control them, but for a time were unsuccessful, and the mob surged into the town completely blocking the Laing's Nek Street.

The police gained control about 600 yards from the border, and marched the contingent through the town at the roadside and conducted them right outside on the Standerton Road, where they halted and breakfasted.

The actual number of Indians who crossed the border was 2,037 men, 127 women, and 57 children.

Charges at Dundee

Some 22 Indians and some women and children were brought before Mr. J. W. Cross, resident Magistrate, on Wednesday morning and charged with refusing to work or being absent from work since October 25th last. They were represented by Advocate J. W. Godfrey and all pleaded guilty. They unanimously refused to return to work unless the Government gave some definite assurance that the £3 tax would be repealed. Five free Indians were fined £5 each, and writs of execution were issued to attach their cattle for the payment of the fines. The Indians were quite cheerful

about it, and said that they would rather face death than continue to pay the tax. The women and children were discharged and ordered to return to work.

With regard to 17 other Indians the Prosecutor (Sergt. T. B. Smith) asked for deferred sentences. To this Mr. Godfrey objected, saying that if the Indians had contravened the law the Magistrate should impose the penalty laid down by the law. Also, in view of the fact that the Indians would not return to work even if sentence were deferred it did not appear that any benefit would result from deferring the sentences. Mr. Cross addressed the Indians at length, explaining that it was futile to refuse to work, and that the Government could not consider their grievance whilst they were out on strike.

The Indians listened attentively, and their reply was "All that we know is that we shall not return to work till this £3 tax is repealed. You may do what you like with us."

The Magistrate then sentenced them to seven days' imprisonment with hard labour. The pronouncement of sentence was met with a chorus of "What is the use of seven days? Why don't you give us five or six months?"

Mr. Gandhi Arrested

Mr. Gandhi was arrested at Palmford on Thursday night. None of his followers were arrested, and they resumed their journey.

Mr. Gandhi appeared before the Court on Friday charged under Section 20 of Act 22 of 1913, and was remanded until the 4th instant on bail of £50.

The section referred to provides that any person who aids or abets any person to enter the Union or any Province shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred pounds, or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding six months, or to such imprisonment without the option of a fine.

Mr. Gandhi stated that he would gladly appear on any charge preferred against him.

Mr. Gandhi's application for bail was strongly opposed by the Public Prosecutor, but the Court granted the application, and bail was fixed at £50, which was promptly found by the local Indian merchants.

The following telegram was sent by Mr. Gandhi to the Minister of the Interior:

"Whilst I appreciate the fact of Government having at last arrested prime mover in passive resistance struggle, cannot help remarking that from point view humanity moment chosen most unfortunate. Government probably know that marchers include 122 women, fifty tender children, all voluntarily marching on starvation rations without provision for shelter during stages. Tearing me away under such circumstances from them is violation all considerations justice. When arrested last night left men without informing them. They might become infuriated; therefore, ask either that I may be allowed continue march with men or that Government send them by rail Tolstoy Farm and provide full rations for them. Leaving them without one in whom they have confidence and without Government making provision for them is in my opinion an act from which I hope on reconsideration Government will recoil. If untoward incidents happen during further progress march or if deaths occur, especially among women with babies in arms, responsibility will be Governments."

A message from Pretoria states that the Government have no intention of arresting the rank and file of the Indians following Mr. Gandhi. Their policy is to arrest the leaders, which is not to say that the others will be treated as exempt from the Pass Laws. But there seems no reason why the authorities should overtax their gaol accommodation merely to assist Mr. Gandhi and create excitement in India.

The enterprising correspondent of the *Mercury* at Volksrust writes, regarding the arrest of Mr. Gandhi:—

"I heard the Superintendent of Police was going to Palmford to arrest the Indian passive resisters there, so, as I wished to be present, I offered to take him there in my motor car. The offer was accepted, and we left at 7.15 p.m. We did not get back until midnight, owing to tyre trouble over fearful roads; we burst one tube and cover, and injured one lamp.

"We arrived at Palmford about 8.30 p.m. last night, and found them all sleeping in the veld, just below the station. Many of them were feeling the cold severely. Mr. Gandhi was arrested at the railway station, and was willing to appear on any charge preferred against him, and stated that he would plead guilty of aiding prohibited immigrants to enter the Transvaal.

"I visited Charlestown twice on the 5th. The whole appearance of the town resembled nothing but an Indian bazaar. The town was crowded with Indians. We could only crawl with the car up the main street, owing to the crowds of Indians in the street. No sanitary arrangements were made at first, and the position from a health point of view was awful; but later Mr. Gandhi assisted the municipal officials, and the position was greatly improved. I found Mr. Gandhi at the back of an Indian store, in the yard, serving out curry and rice to his followers, who marched up, and each man received his quota. One baker sold 5,000 loaves to the Indians in one day.

✓ Mr. Gandhi readily granted an interview, but had nothing to say, except that he and his followers were still quite determined, and would march into the Transvaal on the following day, courting arrest, and if they were unmolested, would march right on until they reached Tolstoi Farm. They would then remain quietly there until satisfactory terms had been made with the Government. All arrangements had been made along the route, and food depôts established at eight different points along the way. Their object was to court arrest, but they wished to do everything quite openly, and had acquainted the Government with their intentions."

Arrested at Standerton

Mr. Gandhi was re-arrested at Standerton on Saturday. The strikers arrived at Standerton on Saturday morning at 7 o'clock, and after breakfast a fresh start was made for Val. The manager of the Hatting Spruit Colliery, accompanied by two Natal Police, arrived at Standerton with warrants for the arrest of 85 deserters from the colliery. The arrests were effected without any disturbances.

The crowd (says Reuter) was very orderly and under perfect control.

Five of the leaders of the Indians appeared before the Magistrate, charged with aiding and abetting prohibited persons to enter the Transvaal. Four of the accused stated that they had come from Johannesburg to Natal for the purpose of helping forward the march into the Transvaal. The Magistrate reserved judgment.

✓ Mr. Gandhi was also charged on the above count. Before pleading the accused stated that he was already on bail, and said his object in asking for bail was to enable him to take the men on to their destination. The Public Prosecutor opposed the application for bail, unless the accused would refrain from taking any further part in the demonstration. The accused said he was not prepared to give this assurance. Accused was released on his own recognisances of £50, and the case was remanded till the 21st. Just as soon as Mr. Gandhi was released, the column continued its march.

The Chairman of the Natal Navigation Collieries, in his speech at the annual meeting, said: It is very unfortunate that the coal companies and other employers should suffer, and be made the tool for putting pressure on the Government in regard to a grievance which is not against the employer, but against the Government. The Board are giving special consideration to the policy to pursue in view of the serious breach of contract by the firm and...

From the Editor's Chair

A CRISIS

THE position of the strike movement, at the time of writing, is indeed a critical one. The march across the Transvaal border was accomplished successfully and the "army" of strikers were well on their way to Tolstoi Farm when the Government stepped in and arrested the whole body of Indians at Greylingstad and have provided trains wherewith to bring back the people to Natal. Mr. Gandhi has been arrested three times during the march, as our reports will show, and has been taken on a warrant to Dundee to answer a charge of enticing Indians to leave their work. The two previous charges were that of aiding and abetting prohibited immigrants to enter the Transvaal. We have no intention of commenting upon the matter. Mr. Gandhi will have no quarrel with any charge which the Government may care to bring against him so long as it is not a false one. Meanwhile the strikers, now in charge of Government officials, will, for the time being, remain under their care and the Government will be responsible for their maintenance. What the Government's intentions are is not known, but, whatever happens, passive resisters have nothing to fear so long as they continue to use only peaceful methods. The duty of the Indian community is clear. No matter what differences of opinion there may be as to the methods of procedure, we are all agreed on the main point—that the £3 tax must go.

The outbreak on the North Coast sugar estates is embarrassing but at the same time there is nothing to be surprised at in the news that these people, hearing the news of the great march and of their leader's arrest, should desire to join their brethren, and so a large number are on strike. In regard to the charge of intimidation which is being made, we would ask our readers to take these rumours as merely an attempt to stir up feeling against the strikers. There are no specific charges made and our own information goes to show that, beyond a not unnatural excitement and enthusiasm nothing has happened to warrant a charge of intimidation. We should believe that there is just as little ground for such a general charge as there was in regard to the story of the alleged insult to the Dundee Magistrate, reported and so emphatically contradicted in the press. And it is absurd on the face of it to say that a few men could so completely cow down hundreds of their fellows as to make them leave their work and risk starvation for no reason whatever. We believe that even these poor despised people are not so stupid nor so ignorant as not to know what they are asking.

In Memory of Two Little Ones

The loss by death of those we love comes with sadness to all, but when the loss comes in the midst of a struggle for the happiness of the future's thousands, it comes with a feeling of its being hallowed, and death takes the nature of a splendid sacrifice; and we feel, having made our great sacrifice, and made it believing there is a just God ruling all things, that the work we are engaged in comes nearer success thereby. Such seems to have been the feeling of the two Indian mothers who, a few days ago, lost their little children during the march to, and trouble in, Newcastle. One mother, whose little child died through exposure, was heard to say: "We must not pine for the dead; it is the living for which we must work." The other little one died through falling into a spruit and being drowned.

We may all regret the loss, and grieve for the little children, but we have to mingle our grief with an added feeling of respect and admiration for the women who take their places in the battle of life with such courage.

M. PRINCE

Great Divali Meeting

At the meeting of Hindus in Johannesburg briefly reported by us last week, the Chairman, Mr. G. K. Patel, delivered the following address:—

Friends and Brothers,—Once more we have met together on the occasion of the Divali. When we gathered on this occasion last year, we hoped that the year that was then opening would see the fulfilment by the Government of the terms of the settlement of 1911 and the satisfactory conclusion of the passive resistance struggle. But, also, this has not been the case. The Government have betrayed us for the third time. For the third time they have failed to carry out their solemn undertaking with the community, and they have failed also to carry out their promise made to Mr. Gokhale that the notorious £3 tax of Natal would be abolished. On the 16th of September, the third campaign of the passive resistance struggle commenced with the entry into the Transvaal of a party of sixteen passive resisters from Natal, among them Mrs. Gandhi; and to-day some 150 of our countrymen and countrywomen are suffering imprisonment in the gaols of South Africa. And so this day which should be one of rejoicing and festivity is one of sadness and mourning. Let us turn it to good account for the sake of the cause. If we cannot all go to prison let us at least all combine in assisting by every means in our power those who do go, those who are sacrificing their all. I need not remind you of the great strike movement that is now going on in Natal as a demonstration against the Government's failure to carry out its undertaking to repeal the £3 tax. We understand that some 4,000 persons are already affected. Provision must be made for such of these men and their families as are not successful in being arrested. It is, therefore, imperative that every Indian should now come forward and contribute as much as he is able.

In connection with this strike movement, I would call attention to several incidents. The eleven Transvaal ladies who, being unsuccessful in their efforts to secure arrest in Vereeniging and at the border, proceeded to Newcastle and there employed themselves in moving among the indentured labourers explaining the position to them and calling upon them to strike until the repeal of the £3 tax, were eventually arrested while so doing. But they were charged as *Vagrants*. Can one conceive of more deliberate attempt to insult? The Magistrate also did not hesitate to refer insultingly to Mr. Polak who was present at the hearing, though Mr. Polak was not before him on trial. And, lastly, this Magistrate, we are informed, in giving judgment, expressed the hope that the "mised" strikers—that was his expression—would retaliate against the women. We enter our emphatic protest against this procedure, which seems incredible in a British Court of Justice. We hear also that the ladies at the Newcastle Gaol have been forcibly vaccinated. If this is true, it is scandalous. We are further informed that these ladies are not supplied with ghee, and we know that the Johannesburg prisoners were likewise denied this very necessary article of food. Native prisoners are supplied with fat, and we have made representations asking that, as we cannot religiously use this form of fat, ghee should be given to us; but so far relief has not been granted.

The next matter to which I would refer is this: The papers have once again charged passive resisters with intimidation. Methods of violence, they tell us, are resorted to in order to get men away from the mines. All I can say is that passive resistance and violence are incongruous terms. Passive resisters could not be called such if their ways were not ways of peace and gentleness. They may use none but moral suasion. And not only do passive resisters refrain from offering violence, but they do not even use violence in self-defence. Here is a case that occurred on a Natal mine. An ex-indentured labourer, who had

struck work, subsequently went to the mine compound to fetch water. He was immediately pounced upon by the compound manager, dragged to his office and beaten so severely with a stick that the marks left were visible as brand marks. When the stick broke in the use, the man was kicked about and struck in the mouth until blood flowed. The worker in question was a powerful man, much more powerful than his assailant, but, having received instructions to refrain from all violence, he did not retaliate, but bore the assault patiently. Mr. Kallenbach, who was down in Newcastle recently, tells of another such incident. Among the men who came to see him was one who had been severely sjamboked for desiring to go to hear what the leaders had to say. The man bore the marks of the assault on his arms and leg and had had to walk all night in order to attend the place of meeting. So that it would appear that not only are passive resisters not intimidators, but they are sought to be intimidated—if indeed a passive resister ever can be intimidated—by every insult and every violence.

And now I would draw your attention to one point more. In the course of his reply to the Coal Owners' Association, published in this morning's papers, General Smuts denies that a promise was ever given to Mr. Gokhale with reference to the £3 tax. Can we be blamed for taking the word of our great countrymen—which is above all suspicion—in preference to that of General Smuts, who has thrice broken his pledge to the community. This promise was referred to by Lord Amptill in his speech recently delivered in the House of Lords in the following terms: "The Ministers in South Africa definitely promised Mr. Gokhale that this £3 poll tax should be repealed and Ministers told the Governor-General that they had given him this promise." It has been referred to by the communal leaders on many occasions, and it was referred to on the most recent occasion in the letter directed to the Government by Mr. Hosken on behalf of the European Committee; but never previously has it been refuted by General Smuts.

The General is further reported as follows: "With Mr. Gandhi the repeal of the tax is an after-thought, and it is intended to influence the Natal Indians to whom the real grounds on which he has started his passive resistance movement and which never included this tax do not appeal." We deny emphatically this statement, and say that General Smuts should know that it is not true. It is a fact that the repeal of the £3 tax was not included in the original demands of passive resisters but, when the Government failed to carry out the settlement of 1911 and when even then the negotiations which Mr. Gandhi was authorised to enter into with the Government—and which if successful would have just, but only just, sufficed to fulfil the letter of the provisional settlement—proved abortive, the community felt that the struggle should be reopened on a wider issue, and notice of this was given to the Government by Mr. Gandhi in his letter of the 3rd September. The promise given to Mr. Gokhale we hold was a promise given to the Indian community. It therefore became our sacred duty to offer passive resistance until the tax was repealed. The Natal workers have been appealed to because they specially are affected by the tax. Mr. Gandhi has stated not once but repeatedly that these men are out on the question of the £3 tax alone and that immediately the Government give an undertaking that this tax will be abolished during the next session of Parliament, the men will be advised to return to work. Their assistance has not been invoked in connection with the general struggle.

I have now done. You know the position, I ask you to do your duty.

The Resolutions

The resolutions as follows were carried unanimously: "This meeting of the Hindus of Johannesburg together on the occasion of the Divali Festival once

again expresses its strong approval of the passive resistance movement, resolves to support the movement by every means in its power, and congratulates those passive resisters—men and women—who are already suffering imprisonment in the South African Gaols."

Proposed by Mr. J. P. Patel (Chairman, Patidar Association), seconded by Mr. Naranji Desai, and supported by Messrs. Lalbahadursing (Germiston), Mawji Premji and N. S. Pillay.

"This meeting of the Hindus of Johannesburg hereby authorises the Chairman to forward a report of its proceedings to the Hon. Mr. Gokhale, to the British Indian Committee in London and to the Union Government."

Proposed by Mr. Visram Prema, seconded by Mr. Mithal Mawji (Newclare), and supported by Messrs. Daya Pursotam, Daya Gordhan, Morarji Desai and Naran Ramji.

Mr. Hosken

Mr. William Hosken, who was uproariously cheered, said he must advise them that he thought the Indian people were entirely in the right in their movement. Such a strong statement would have very strong criticism from those of his own race and blood, but yet he was convinced that it was the right thing. General Smuts' explanation did not carry conviction. When a Minister of the Crown of any part of the Empire descended to the ways and methods of the sophist it was a very dangerous position, especially when the matter in question was a promise made to one of the first statesmen of the Empire, Mr. Gokhale. When such a solemn compact was broken there must be trouble. It was not the first time a Minister of the Crown had descended to sophistry. No one in South Africa could stand on a public platform and defend the tax. The Indians who signed the contract could not have understood its significance although the recruiter in India did. The Indians did not understand that they had contracted to pay one-third of the highest rate of wage they would receive at the end of their terms of indenture. He compared the action of General Smuts in regard to the Indians with his statements on the repeal of the Townships Act. There was no question of sticking to the letter of the law in that case because it concerned white people. General Smuts had said on that occasion that they could not proceed on scientific principles but upon principles of justice and equity. The tax was iniquitous, and when General Smuts said that the white people as a whole did not want Indian immigrants he was altogether wrong. If the Government did not want the tax for revenue purposes then what did they want it for? The Indian people had no voice in Parliament and the only way of pressing their grievances was by means of the present movement. The tax pushed them down in the social scale and drove their women into immorality. A Government which imposed such a tax, which pushed one section of the community down, was a wrong Government. (Applause.) The people of England did not understand that this iniquity was being perpetrated upon the Indian people in South Africa. (Applause.)

Mr. L. W. Ritch referred to the great Hindu festival, and congratulated his hearers upon using the weapons of the soul and not the weapons of the mob—the bomb and the bludgeon. The passive resistance strike would be an education to the white people in South Africa and the rest of the world. General Smuts wanted to make the Indians of South Africa helots—slaves. If the oppressed community had votes General Smuts would not dare to treat them as he had. It was not the conduct of a brave general, but he would be brought to his knees. The speaker urged them to use their present methods, and they must come out victorious. (Applause.)

The Rev. John Howard expressed his profound appreciation of the spirit the Indians had displayed in their trial. He encouraged them in their noble

project, and said that General Smuts had made the mistake of his life. Whether their success was immediate or not the courage of their actions would be one of the proudest heritages they could hand on to their children. (Applause.)

The Chairman of the African Political Association spoke of the Cape coloured people, and expressed sympathy. He said that their coloured women were, many of them, in gaol, in Bloemfontein for passively resisting the pass law.

Latest Information

The later developments are that on Monday morning the strikers were stopped by the Police at Greylingstad, where five special trains waited to bring them back to Natal. Mr. Gandhi was re-arrested on a warrant from Dundee. The charge is that he has enticed the people to leave their work. The Indians consented to entrain on condition that they were not arrested; otherwise they said that they would lie down on the ground and require to be hauled into the train. The *Star's* correspondent at Balfour telegraphs that 2,000 Indians have been arrested there [Balfour is near Greylingstad], and three special trains were awaiting to return them to Natal. Forty Police, under Captain Fall, and under the direction of Mr. Chamney, Immigration Officer, were superintending the arrangements.

A number of Volksrust residents interviewed the Magistrate and told him that if the Government would not carry out the law, they would do so. Attorney J. Albert said that if they did not take action the coolies would strangle the whites. They would not resist the Police, but if the coolies assaulted them they would retaliate with pick-handles. Others followed in a similar strain. The Magistrate reminded them that the Indians were not entering to assert the right of entry, but to show their disapproval of the tax. He could give them no assurances.

The Missionary Conference in Johannesburg, on the motion of the Rev. A. A. Baillie, passed a resolution that "in the interests of the religious and social welfare of the Indian community, the £3 tax on ex-indentured Indians should be repealed." Rev. Dr. Booth seconded and the Bishop of Pretoria supported.

The men of the Umhloti Sugar Company struck work on Friday and marched in a body to Verulam on Saturday morning. Mr. Dickinson, a local solicitor addressed the crowd and they returned to the estate in the evening. On Monday morning twelve men were arrested for being absent from roll-call and put in gaol. Later on they appeared before the Court and were sentenced to seven days' hard labour. All the men from the Umhloti Valley, Lavoipierre's, Arde's and Garland's refused to work and proceeded to Verulam. Others from Tongaat came in during the morning.

The planters met and discussed the situation. In view of some alleged intimidation on the part of the strikers, they obtained the Magistrate's concurrence in wiring for the immediate mobilisation of the Defence Force, with the view to preventing the strikers intimidating any more of the estates and swelling their ranks.

On the same day the men of four estates at Tongaat struck work. Our correspondent states that they were firm in their resolve not to work until the £3 tax was repealed. They did not rely upon food being provided for them by the community.

There were yesterday about 1,500 strikers at Verulam. They were quite orderly and were encamped out in the open on the other side of the river. Bread was sent by the Indian Association from Durban. The people are emphatic in their resolve to stand out until the promise which they sincerely believe to have been made to Mr. Gokhale is redeemed. Messrs. Talwantsing, Dhanji Ramji, Hemraj, and Raghavji Rughnath are assisting in the work of keeping order and feeding the

Two passive resisters left Kimberley on Sunday night to court arrest at the Transvaal border.

At Capetown on the 7th instant Mr. Vartak was sentenced to a fine of £5 or ten days imprisonment without hard labour for hawking without a licence. We expect others will shortly follow Mr. Vartak's example.

At the last moment we have received a long telegram from Mr. Polak at Volksrust who, with Mr. Kallenbach, has been arrested for aiding and abetting prohibited immigrants to enter the Transvaal. Mr. Polak was lodged in the Charge Office on Monday night and Mr. Kallenbach was taken to the gaol. Yesterday they were brought before the Magistrate and the cases were remanded to Thursday. They were refused bail as they declined to give an assurance that they would not take further part in the passive resistance movement.

After Mr. Gandhi's arrest on Sunday afternoon, Mr. Polak, who had joined him to consult him about private business, took charge of the column which halted for the night at Greylingstad. Here they were met by Messrs. Cachalia and Bhyat who subsequently proceeded to the next halt, Balfour, to arrange for rations. The column marched again at five on Monday morning and reached Balfour before nine. Messrs. Chamney and Supt. Fall met them at this place with twenty-four Police. They stated that they had instructions to arrest all the men and deport them to Natal. Three trains would shortly arrive to take them.

Mr. Polak was asked to co-operate but he replied that, as the men were to be arrested, deported and re-arrested, his responsibility ceased. Otherwise he had intended to lead the column towards Lawley, taking all risks. In the circumstances he undertook to use all his influence to prevail upon the men to enter the trains peacefully and to avoid intervention of the Police. Mr. Polak said that there was a possibility of the men refusing to listen to any explanation but that of Mr. Gandhi who, at that time, was at Heidelberg being remanded under escort to Dundee by the Kaffir-mail. Subsequently the men were fed, Messrs. Cachalia and Bhyat rendering yeoman service amidst grave difficulties.

Afterwards Mr. Chamney inquired whether any of the men possessed documents proving their right to enter the Transvaal. Upon receiving a negative reply, he declared them all prohibited immigrants, ordering their arrest and removal to Charlestown.

Mr. Polak then addressed the men, explaining the situation. They seemed satisfied but shortly afterwards a few stalwarts started marching towards Johannesburg, saying that they would listen to nothing but an order from Mr. Gandhi. Mr. Polak at once proceeded to stop them and after what promised to develop into an ugly situation, he, with Supt. Fall, was successful in inducing the people to understand that the procedure advised was approved by Mr. Gandhi, but not before hot words had been spoken by some strikers, provoking some hustling by one or two of the constables. Eventually all entrained peacefully.

The first train reached Charlestown at nearly eleven at night. The station was lined with a squad of South African Mounted Rifles and Native Police, also the compound-managers of the mines awaited and assumed charge of the men. The trains then proceeded to Dannhauser. The men under arrest were not given food after rations at Balfour, served partly uncooked. They had no water for hours.

Mr. Polak was arrested at Charlestown whilst waiting for the corridor train.

Miss Schlesin is at Charlestown looking after the women and children.

At Dundee yesterday, Mr. Gandhi was sentenced to a fine of £60 or nine months' imprisonment. Advocate Godfrey appeared for Mr. Gandhi and asked for the highest penalty. Mr. Gandhi made a statement justifying his actions and expressing his strong intention to continue advising Indians to strike until the repeal of the £3 tax. Mr. Gandhi, of course, went to gaol.

Opinion in England

London, November 5th.—A meeting was held in Caxton Hall to-day, to protest against the treatment of Indians in South Africa. It was under the presidency of Wazir Hasan, Secretary of the All-India Moslem League.

Lord Sydenham, Lord Lamington, and Lord Ampt-hill wrote regretting that they were unable to attend.

Lord Lamington was Governor of Bombay from 1903 to 1907, and Lord Ampt-hill was Governor of Madras from 1899 to 1906, and acted as Viceroy and Governor-General of India *pro tem.* in 1904.—Reuter.

London, November 7th.—The *Westminster Gazette* gives much prominence to the Indian question in South Africa, and in the course of a leading article recalls the valuable service rendered by the Indians during the South African War, and praises Mr. Gandhi as a highly-respected and loyal man. The paper reminds South Africans that millions of eyes are watching their treatment of the Indians.

The paper, however, points out that there is another side to the picture, and that both British and Dutch insist that Indian trading shall be checked, and that in consequence the present difficulty must be settled by a compromise.

It concludes: "The Imperial Government can only use suasion in the matter, but it should maintain its appeal for the removal of the restrictions which prevent the internal migrations of Indians in South Africa; and the mitigation of the heavy licences. We assume that South Africans share our pride in the Indian Empire, and they must see that their present policy is sowing up trouble for us all."—Reuter.

Why the £3 Tax should be Repealed

Mr. F. S. Tatham, K.C., writes to the *Natal Witness* as follows:—

As one who took an active part in securing the passage of the legislation which imposed the £3 tax on Indians, may I be permitted to say a few words at this juncture?

When the tax was imposed, many of us felt that the growing danger of flooding Natal with Indians, consequent upon the importation of cheap labour for the sugar estates, required drastic action.

On the one hand there was strong opposition to the continuance of a policy which was full of danger to the future well-being of the Colony, while on the other hand the interests of the particular industry required consideration. The opponents of Indian labour argued that most of the Indians brought here as labourers remained in the country after the expiry of their indentures, and became permanent settlers, to the injury of the country. In the end it was decided to impose upon those so remaining a tax which, it was thought, would induce them to return to India.

Since the establishment of Union, Indian immigration has ceased, thanks to General Botha, and there is therefore now no need for the tax.

It is now pressed for, by the very men who first opposed it, on the ground that it tends to compel Indians remaining in the country to re-indenture. That was not the object of the tax. Its object was to induce Indians to return to India, and in any case the reason now given is not a worthy one.

The occasion for the tax having ceased to exist, the tax should be repealed.

Nor ought we to lose sight of the serious addition to the difficulties of the Imperial Government which its retention involves. England's rule in India is beset with the gravest difficulties, to which loyal British subjects should not add, especially just now. In this connection it would be well for some to read an article on the subjects in the October number of the *Nineteenth Century*.

"BRITISH INDIANS IN SOUTH AFRICA."

Under the above title, the Right Honourable Lord Amptill, G.C.I.E., G.C.S.I., the President of the London Committee, has contributed to the September number of the "Empire Review" an article which we reproduce below, omitting the quotations which have already appeared in "Indian Opinion":

It is important and necessary that politicians of all classes and shades of opinion, who lay any claim to sincerity, should understand the question of British Indians in South Africa. Indeed, all who profess to take an intelligent interest in political affairs should know what wrongs have been inflicted on our Indian fellow-subjects and what rights they claim, in order that they may be able to form a judgment as to how those wrongs should be remedied and as to what rights are due to British subjects under the British flag.

To the Imperialist, that is, to the man who believes in the British Empire and recognises that common duties and common responsibilities are involved in the maintenance of the incalculable common advantages of that system in which he places his whole faith, the matter is beyond question a vital Imperial problem. But it is equally a matter of concern to the Little Englander who is at all sincere in his professions, for the one and only justification for the existence of that class is the advocacy of broad humanitarian principles. It is among the sentimentalists of that school that we find those who are foremost and loudest in the demand that Great Britain should go to the rescue of oppressed nations and classes all over the world, and it is they who, with missionary zeal and indiscretion, desire to bestow representative institutions and Parliamentary Government on all peoples and races, whatever their creed, colour or customs may be.

But our Indian fellow-subjects in South Africa are not demanding equal political rights or even a vote. Their demand falls far short of that, and is merely that they should be treated in accordance with the pledges which have been given to them by British Governments and the professions made by British statesmen. They ask that in the eyes of the law they should not be treated as an inferior and servile race, and that, although it is necessary for economical reasons to set bounds to their competition with the white man in South Africa, they may at any rate be secure against wilful and systematic oppression.

That modest appeal for bare justice and humane treatment ought to commend itself alike to Imperialist and Little Englander, to Free Trader and Protectionist, to sentimentalist and practical politician, to Conservative, Radical or Socialist, or at least to any member of those classes whose views are based upon principle and held with sincerity.

How is it that our people can be roused in a few months to passionate interest in such tales as that of the imaginary "Chinese Slavery," or of oppression and misgovernment in the Near East, the latter often just as inaccurate and one-sided as the former, while the grievances of their own fellow-subjects under their own flag, which have continued for twenty years and more, leave them unmoved? Herein lies much food for speculation on the part of the political philosopher and much occasion for comment on the progress of democracy and civilisation.

This question of the treatment of Indians in South Africa is a test of our fitness to be an Imperial people, and a test of the fitness of democracy to deal with external affairs.

The excuse for negligence which satisfies those of easy conscience and those who have no clear conception of the meaning of Empire is that we cannot interfere with the affairs of a self-governing Colony! If that is sound doctrine, how much less ought we to interfere with the affairs of any Foreign Nation! If that is the right view, we have no right in future and had no right in the past to use our power to stop oppression and injustice. All those deeds of national chivalry in the storied past on which we have hitherto prided ourselves and on which we base our claim to the respect of the world, were merely mischievous and unwarrantable interferences. "Laissez-faire," then, should be our maxim as a nation among nations, and if that be regarded as a matter of principle, it should also be the principle of our own national life, for principles must, of course, be of universal application. With that as our principle, with the maxim, "Am I my brother's keeper?" as our watchword, we ought not to concern ourselves further about "social reform."

But this excuse that we cannot interfere with the affairs of a self-governing colony, which the present Ministers consider good enough for Parliament, to use a colloquial expression, "will not wash." The self-governing colony cannot get on without our interference. Ordinary law and order cannot be maintained in South Africa without the assistance of British troops, as we have all been forced to recognise during the past few months, and to those persons capable of taking a wider view it has always been apparent that the very existence of the colonies is guaranteed by the British Navy. Again, why was the matter not settled before the Transvaal became a self-governing colony? All the trouble originated in the Transvaal and for a long time was confined to the Transvaal, and it was absolutely within the power of the Imperial Government to postpone the grant of Responsible Government until it had been settled. There were other opportunities of settling it, notably when this colony, in which we were said to have no right to interfere, was obliged to come to us to borrow money in order to carry on at all. There was another great opportunity when the sanction of the British Parliament was required for the establishment of the Union of South Africa, but so far from taking advantage of that opportunity the Imperial Government permitted the trouble to spread to the whole of South Africa.

There is, in fact, no excuse for the neglect and incompetence which allowed the deplorable trouble in the Transvaal to continue and to grow until it aroused indignation in India more general, more widespread and more genuine than any movement of public opinion which has yet pervaded that vast and heterogeneous dominion. Can anyone doubt that if British subjects of whatever race or colour were ill-treated in any foreign country we should insist on having redress? Why, then, should we be afraid of insisting on our rights with our own kith and kin across the seas? The neglect must be due either to moral cowardice or else to the hypocritical self-satisfaction of him who can see the mote in the eye of his neighbour but is unable to perceive the beam in his own eye. So long as we were able to put the blame on a foreign State our indignation at the ill-treatment of our Indian fellow-subjects

was strong and universal. The treatment of British Indians resident in the Transvaal was, indeed, "part of the British case against the South African Republic," as the Colonial Secretary of 1904, the late Mr. Alfred Lyttelton, reminded Lord Milner after the war was over. And while the war was in progress British statesmen did not fail to remind the people of its justification and origin. . . .

How are we to account for the fact that although the arbitrament of war gave us the power to secure redress, twelve years have passed, and the British Indian grievance still remains? It is essential that everyone who takes an intelligent interest in Imperial concerns should study the history of this deplorable neglect of duty on the part of the Imperial Government. . . . The lot of Indians in South Africa became worse instead of better after the war, and that they were driven by the intolerable oppression to resort to "passive resistance" with all its penalties of imprisonment, financial ruin, and banishment.

The painful story is too long and complicated for the compass of a single article. The object of these lines is merely to call the attention of students of Imperial affairs to the fact that the question is still unsettled and that the grievances of British Indians in South Africa have not yet been redressed.

The latest and long deferred attempt to solve the problem has been the Immigrants Regulation Act, passed by the Union Parliament of South Africa on June 13th last, received the assent of the Governor-General on the following day, and came into force on August 1st. This Act, so far from having settled the question, will probably lead to a recrudescence of "passive resistance," because it fails to perform specific promises made to the British Indian community, and because it does not fulfil those conditions which His Majesty's Government have repeatedly and explicitly declared to be essential.

In these circumstances it is strange and unaccountable that the Government should have allowed the Governor-General, who is a servant of the Crown and not an independent potentate, to assent to the Bill before even its final text had reached this country, when they had the right under the South Africa Act to reserve the Bill for the assent of the King. It would be fatuous nowadays to plead that this was a purely local concern, while India is seething with indignation and while the South African Government are actually dependent on Imperial troops for the preservation of law and order. Nobody of ordinary common sense can possibly be satisfied with that excuse so often made in the past by Ministers who do not scruple to trade on the self-centred ignorance of the general public.

The pledges, given in writing to the Indian community by the Union Government in a correspondence known as the "Provisional Settlement of 1911," were as follows:—

That legislation should be passed in the next session repealing Act 2 of 1907 (the Act which gave rise to passive resistance and all the devoted self-sacrifice to their ideal of the Indian community) subject to the reservation of the rights of minor children.

That there should be no "racial bar" in any future legislation for the whole Union.

That existing rights should be maintained; and
That there should be an amnesty for passive resisters.

On the faith of these pledges, passive resistance was suspended by the Indian community in 1911. But the promised legislation was not passed in the next session, or, indeed, until the present year, and the two essential conditions of the compact have been violated—the removal of the "racial bar" and the maintenance of existing rights.

Now it is most important to understand that these were the essential conditions, for herein lies the proof that the Indians are struggling for an ideal which is as modest as it is creditable to them and which every civilised being ought to respect. They do not ask for votes or for political rights or for any new rights. They merely ask that they should not be treated under the law as an inferior and servile race, and that they may be secured in rights which they have hitherto enjoyed in accordance with the pledges of the British Government.

They understand and acquiesce in the economic necessity which obliges South Africa to restrict Asiatic Immigration. They do not demand unrestricted right of entry to South Africa; they accept practically complete restriction, provided only that they are allowed to import the small number of priests, lawyers, and doctors necessary to the life of their community. They have striven and suffered to an extent which a European community could hardly surpass, mainly for the honour of the Indian race. They say, "Exclude our people, since it is necessary for the interests of a young nation to do so, but do not let your laws declare that they are excluded on account of racial inferiority. Let the grounds of exclusion defined by your law be those of economic necessity. Treat us as strangers, if it so please you, but do not forget that we have helped you to develop your country, and do not deprive us of rights which we have hitherto enjoyed amongst you."

Surely this is a claim to which no reasonable objection can be made! How can those who resist with so much passion the employment of the alien Chinaman reconcile it with honesty and sincerity to acquiesce in a policy reducing the Indian, a British subject, to conditions of "slavery" which would closely resemble those against which they protested in the case of the Chinese?

It remains to show how the Immigrants Regulation Act fails to maintain existing rights or to remove the racial bar, and goes contrary to the stipulation of His Majesty's Government.

South African born Indians have hitherto enjoyed the unquestioned right to enter the Cape. That right has been taken away by Section 5 (e) of the Act read together with the proviso at the end of the same section.

The Indians of Natal have hitherto enjoyed the right of domicile after three years' residence without indenture. That right has been taken away by definition of the term "domicile" in Section 30 of the Act. [This is not now the case.—Ed. "I.O."]

The Indians of the Cape have hitherto enjoyed an appeal to the Supreme Court on facts as well as on law, but that right has been reduced to an appeal on law only.

But Lord Crewe, writing as Secretary of State for the Colonies on October 7th, 1910, said:—"I ought to add that any solution that prejudices or weakens the present position of Indians in the Cape Colony and Natal would not be acceptable to His Majesty's Government." Why, then, have His Majesty's Government, advised by Mr. Lewis Har-

court, accepted a solution which unquestionably "prejudices and weakens" the position which Indians held before? Our democratic Parliament, which imagines itself to be conducting the affairs of the Empire, has neither received nor even demanded an explanation. Why this silence and neglect on the part of the high-souled legislators who for a while shouted themselves hoarse on every platform in their indignation at the treatment of Chinese coolies? Their principal complaint was that the Chinese labourers were under indenture and were forced to live in "locations," and these conditions were represented to the people of this country as conditions of "slavery." But the real object of the South African policy is to drive the free Indian back to indenture and to compel the Indian community to reside in locations.

The Immigrants Regulation Act still maintains a "racial bar" in respect of the Free State, for under Section 7, Asiatics alone will be required on entering the Free State to make a declaration which is humiliating to them, absolutely unnecessary for the purpose which the Free Staters have in view, and, in fact, a wanton slight upon Indians.

The Act is unsatisfactory in other respects, and particularly because it makes no provision for the recognition of marriages solemnised in South Africa according to Hindu and Muhammadan rites. It is scarcely necessary to comment upon the intolerable hardships which this omission will entail.

There was a further promise that the £3 Poll Tax upon Indians should be abolished, but this promise also has not been fulfilled. The reason is that the Poll Tax, which is valueless as a source of revenue and impossible of strict enforcement in view of the extreme poverty of most of those who are liable to it, is required as an instrument for driving Indian labourers to re-indenture; in fact, for subjecting them to those very conditions at which the opponents of "Chinese slavery" professed to be so deeply scandalised.

These are the facts to which this article seeks to call the attention of all who value British honour, who regard the British flag as the symbol of freedom, and who believe that it is the duty of Britons, at the present time as in the past, to prevent injustice and oppression.

WHY ULSTER DOES NOT WANT HOME RULE.

The "Belfast News Letter" has the following leading article:—

The discussion in the House of Lords yesterday on the inferior position of Indians in South Africa is important in itself, and also because of the bearing which it has on the Home Rule question. When self-government was given to the Transvaal insufficient measures were taken to secure fair treatment for Indians and natives, but even the "safeguards" insisted on have not been adhered to by the South African Government. The Immigrants Regulation Act, which has just been passed, according to Lord Amptill, is not in agreement with the stipulations made with the Imperial Government. His Lordship asked that the operation of this Act should be suspended until the grievances of the Indians should be removed. But Lord Crewe states that as it makes some improvement in the condition of the Indian community it is not advisable to refuse assent to it. Thus the Parliament of a self-governing Dominion has passed an Act which is admitted to be unjust in some particulars, and not in accordance with the understanding between the Imperial Government and the South African Government; yet there is no remedy. Lord Amptill states that all that the Indians ask is that they should not be treated as an inferior race, and that the rights which they had enjoyed for many years should be preserved. It is a reasonable request, but the Imperial Government does

nothing, leaving them to be dealt with as the South African Government thinks right. Considerable indignation has been aroused in India, and Lord Crewe states that it is impossible for the people there to realise the difficulties which confront the Imperial Government and the South African Government in dealing with the matter. They are under the delusion that the supremacy of the Imperial Parliament, which Mr. Asquith has talked so much about, means something; but they are now learning to their cost that as a matter of fact it does not exist. It is a legal fiction, to be disregarded by all who want to deal with realities and not merely with words. Lord Crewe admits that the Boers are animated by racial prejudice, but argues that it would be unwise to interfere with its operation. Now let us look forward a few years, and suppose that there is a Nationalist Parliament in Dublin, and that His Lordship is the Minister responsible to the Imperial Parliament for the action or inaction of the Lord Lieutenant. That Parliament passes an Act which is admitted to be unfair to the Protestant minority, and not in accordance with the promises of the Nationalist leaders or the "safeguards" in the Home Rule Bill. The attention of the Imperial Parliament is called to the injustice, and Lord Crewe replies to the request that the operation of the Act should be suspended. He commences by dwelling upon the extraordinary difficulties of his position. Ireland is a self-governing country, with a Parliament and an Executive responsible to it, and he is a member of the Imperial Government, which perhaps depends for its existence on Nationalist votes in the House of Commons. He cannot veto the Irish Act without bringing about the defeat of the Imperial Government. So he temporises. He assures the House that Messrs. Redmond, Dillon and Devlin desire to meet the wishes of the Protestant minority as far as public opinion in the South and West of Ireland will permit. It must not be forgotten, however, that Nationalist statesmen have to contend with a vast amount of racial and religious prejudice among their supporters, and it would not be wise to come into conflict with the Church of Rome, the Gaelic League, or the Ancient Order of Hibernians. Further, he is convinced that the Lord Lieutenant has done his best to place the Protestant claims before the Nationalist Government. He questions, however, whether it would be wise to force upon the Nationalists of Ireland a policy which they hate, and would only accept because they are obliged. It would not be wise in the interests of the Protestants themselves, "because the pleasantness of their lot depended mainly upon the considerate administration of the laws." This means that in his opinion it would be better for the oppressed Protestants not to appeal to the Imperial Government at all, because it might irritate their Nationalist masters, and cause them to be chastised with scorpions instead of with whips. His Lordship argued further, that while it was right to try to get serious grievances remedied, as little as possible should be said about those which did not inflict great injury upon the people who suffered from them. Thus his advice to the Protestants of Ireland when ill-treated by the Nationalist Parliament and Government, would be to suffer in silence, and not trouble the Imperial Government with their complaints. In what we have written we have quoted Lord Crewe's speech almost textually, making only the necessary changes from South Africa to Ireland; and we ask any fair-minded Radical whether the Protestants of Ireland are not fully justified in resisting a Bill which would deprive them of their rights under the Imperial Parliament, reduce them to a position of humiliating inferiority in their own country, and leave them helpless, so far as Constitutional remedies are concerned, when measures of oppression were passed against them.

Mr Dubé has also addressed the following letter to the Imperial Government, under date the 6th October:—

On behalf of my Committee, I am desired to draw the attention of the Secretary of State for the Colonies to the fact that the Indian community in South Africa have been compelled to resume passive resistance owing to the unreasonable attitude of the Union Government.

The Immigrants Regulation Act, 1913, has actually increased the hardships of the Indians instead of alleviating them. The following points will show the nature of the grievances alluded to:—

1. The right of residence in Natal of the Indians indentured after 1895 seems to be taken away by the definition of the term "domicile."
2. The right of residence of such parents' children is also taken away even though they may be born and brought up in Natal.
3. The right of South Africa born Indians to enter the Cape by virtue only of their South African birth seems to be taken away.
4. The marriage amendment leaves the status of non-Christian wives, married in South Africa, in the position in which the Searle judgment leaves it.
5. The Free State Clause appears to subject an Indian immigrant, allowed to enter under the Act, to the necessity of having to make the special declaration required by the Old Free State Ordinance, which is entirely superfluous, and which is not required to be made by non-Asiatic immigrants.
6. The promise that the £3 Poll Tax should be repealed has not yet been fulfilled.
7. The status of non-Christian wives generally.

In regard to these Clauses, my Committee has already made representation to the Under Secretary of State. The few instances that have already occurred strongly bear out our complaint that the new legislation deprives the Indians of rights heretofore enjoyed by them. For instance, the case of Kulsan Bibi. In August last she applied to enter the Union as the only lawful living wife of Mahboob Khan. The Immigration Officer having rejected her claim, the matter was heard by the Board of Appeal on August 18 last. The Board found the facts as follows:—

1. That Mahboob Khan and Kulsan Bibi were duly married in India according to Mahomedan law, and that it was a legally valid marriage.

2. That Kulsan Bibi is the only lawful living wife of Mahboob Khan, and that her marriage to him was contracted when he was a widower, and that he has not since gone through a ceremony of marriage purporting to be legal with any other woman.

On these points my Committee are of opinion that she should have been allowed to enter the Union under the provisions of the new Act, Section V., Clause (g). The meaning and effect of the Section, as explained by the Union Government, would appear from the following extract of a letter dated 19th August, 1913, from General Smuts to Mr. Gandhi.

"The present practice of admitting one wife of an Indian now entitled to reside in any Province or who may in future be permitted to enter the Union, irrespective of the fact that his marriage to such wife may have been solemnised according to tenets which recognise polygamy or that she is one of several wives married abroad, will be continued so long as she is his only wife in South Africa."

In direct violation of this assurance, not only did the Immigration Department refuse her admission, but raised the question that "the mere fact that her marriage was celebrated under a law which allowed

four wives, her marriage was not monogamous." The Pietermaritzburg Court has given effect to the contention and has decided that no marriage can be regarded as monogamous which has been celebrated according to the rites of any religion tolerating polygamy.

The predicament created by this decision is intolerable, and my Committee feel that the extraordinary attitude of the Union Government in regard to the status of Indian wives married in accordance with Mahomedan and Hindu laws, is likely to arouse intense resentment throughout India.

Further, the new Act is being administered with great rigour. Any person who wishes to appeal against the order refusing admission of the Immigration Officer is required to deposit £26. This sum is in some cases quite prohibitive and certainly is needlessly excessive. Several cases have recently occurred in which Indians, on their return from India, have been refused admission. Some of them held certificates of domicile under the old Act, and they were certainly entitled to enter and leave Natal at will, but the new Act, it is intended by the Immigration Department, is retrospective, and thereby an attempt is being made to deprive the certificate holders of their vested rights. Cases involving the determination of the question as to whether the new Act is retrospective or not are pending in the Superior Courts.

Again, several cases have arisen in which the immigration authorities contended that the Indians had lost their domicile by reason of absence from South Africa for varying periods of time. In view of the fact that Section 30 of the Act prescribes no period of time and distinctly exempts persons who leave the Union for a special or temporary purpose, the attitude of the authorities in refusing re-entry to the Indians after their visits to their family members at home is, in the opinion of my Committee, unjust and cruel in the extreme. The proceedings before the Board of Appeal always entail great expense and trouble.

My Committee invite the attention of His Majesty's Government to the following news from India. The "Bombay Chronicle" says:—

"It is inconceivable that the Imperial Government will maintain a non possumus attitude in face of the latest atrocity." (Sentence passed on Indians crossing the Transvaal border from Natal). "Unless all confidence in the power of the British Government to protect Indian subjects is to be destroyed hopelessly and permanently, Lord Crewe had better wake from his lethargic attitude and deal promptly, fearlessly and firmly with this outrage."

My Committee understands that sixteen Indians, including four women, have been sentenced to three months' imprisonment with hard labour. Included in these are the wife and son of Mr. Gandhi and Mr. Parsee Rustomjee. Mr. Parsee Rustomjee is one of the most respected members of the Parsee community. The Committee has learned with profound regret that the Administration treated him with unnecessary harshness, inasmuch as he was deprived of his sacred thread and shirt, and they tried to compel him, as well as other Indian Passive Resisters, to undergo vaccination. It was only after these Passive Resisters resorted to fasting that the sacred garments were restored and vaccination not insisted upon.

My Committee earnestly hope that His Majesty's Government will make immediate representations to the Union Government with a view to the speedy release of the Passive Resisters, and to bring about an early settlement of the grievances of the Indian community, and especially those relating to the status of Indian wives married according to Hindu and Mahomedan laws inside or outside the Union.