

Indian Opinion

PUBLISHED WEEKLY IN ENGLISH, GUJARATI, HINDI
AND TAMIL.

No. 3—VOL. XII.

WEDNESDAY, JANUARY 21ST, 1914.

Registered at the G.P.O. as a Newspaper.
PRICE THREEPENCE.

THE SOORZAI DEATH INQUIRY

AT Verulam, on the 13th inst., Mr. Th. McDonald, assistant Magistrate of the Inanda Division, opened an inquiry into the circumstances which led to the death of Soorzai, an indentured Indian in the employ of the Phoenix Wattle Plantations. It was alleged that Soorzai had been flogged by Mr. Todd, the manager, a fortnight previous to his death. He died in the Verulam hospital on the 10th December, and the next day a post mortem examination was made by the District Surgeon (Dr. Hill) assisted by Dr. Fisher, in the presence of Dr. Copley, Dr. Nanji, and Mr. West.

The first witness called was an Indian named Chengian, indentured to the Phoenix Wattle Plantations. After some discussion the Magistrate decided that counsel should be allowed to cross-examine, as in the Hill Head inquiry. Mr. Britter appeared on behalf of the deceased and Mr. Dickenson represented Mr. Todd.

The witness, Chengian, swore to a statement that he saw Mr. Todd strike Soorzai with a sjambok several times across the back and kick him, and afterwards Todd fired a revolver.

Cross-examined by Magistrate: The deceased had been assaulted because he had not turned out to work that morning, as it was raining. He had waited for the rain to stop. Deceased was a sickly man and had been ill for three years. He also limped when walking. At the time of the assault Soorzai was wearing his working clothes, which consisted of a loin cloth and a coat. The coat was a thin one. He did not speak to the deceased just after the assault nor see him. He had run away; but he saw him later on the same morning. Witness had examined the deceased's injuries, and he had sjambok marks on his back. He had not counted them, but there were about ten. None had drawn blood. Witness himself was assaulted that day because he had not turned out to work, as it was raining. He was assaulted with a sjambok on the knee and struck on the head, and he produced a loin cloth showing bloodstains from the wound in the head. He had also been struck several blows on the back; but he was wearing a heavy coat at the time. There had been some marks on his back which had remained there for four days. Deceased was a sick man, and was paralysed on the left side. Deceased always attended work. This was of a light nature. Deceased did not retaliate in any way when assaulted. Deceased had no skin broken.

Cross-examined by Mr. Britter: The deceased was paralysed on the left side. He could use his left hand just a little. He could hold a horse. The usual position of his left hand was up towards the chest. On the day of the assault the deceased wore a singlet under his coat. He fell to the ground when assaulted by Mr. Todd. Todd caught him by the coat, pulled him out, gave him a blow or two with the sjambok, tripped him up and he fell. He

fell bodily. The ground on which he fell was flat and there were no stones on it. When on the ground he was kicked on the buttocks and back. Todd pulled him up again. He caught hold of him by the paralysed hand, pulled him up and kicked him again.

In reply to Mr. Dickenson: He was a policeman and used to go round the mill. He used to look after the office. He held horses. He was ready and had his billy-can of food, and it was only on account of the rain that he did not go. He remembered the call to work that morning. About two or three sirdars went out to work; none of the men at all. When Mr. Todd came, one of his native boys attended him. At that time all the men were in their huts. Mr. Todd went straight to Soorzai's hut and pulled him out. Witness had not turned out. His hut was close to Soorzai's. Soorzai and his wife were in the hut. No one else. All went to the roll-call after Todd had come. Soorzai did not go, nor he. He had run away into the cane to Umhloti Valley (Verulam). He was away some days. Mr. Todd struck Soorzai very hard. The sjambok was about four feet long, and at its thick end was as thick as his wrist. There were sjambok marks on the left side and back and on the left leg. Todd was wearing boots. There were no marks where he had been kicked. The sjambok marks were long ones. He fell near the sluice when witness was running away. He remembered seeing a number of natives. He was assaulted about the same time as Soorzai. He returned to the estate for the first time on the seventh day after he had been assaulted. He had been arrested and brought back.

Cross-examined by Magistrate: He saw the marks before he ran away. He ran away immediately after he was assaulted. He had been in his hut. Mr. Todd was coming along the barracks, driving the Indians along with him, hitting them. He saw that and ran off. He returned again. He saw the deceased assaulted. Todd had only one native with him. He saw the assault on Soorzai himself. It took place about 5 o'clock in the morning. The Indians who were being driven along—four or five—also saw it. The assault took place before he saw Todd driving the men. When the whistle went he thought the sirdars and Mr. Todd were there and the other Indians were not there. They came round to the barracks and assaulted several of them and a lot of them ran away. He stood near his house when the assault on Soorzai was committed. The noise in the barracks had brought him outside. Many people witnessed Soorzai's assault. Witness ran to the mill when he saw the assault, and that was where Mr. Todd assaulted him. He ran away while Soorzai was being assaulted. Todd jumped on his horse and came and assaulted witness at the wattle mill. Todd caught hold of him by the coat and hair and struck him several times. Todd sent him to work. He then told Todd that he could not

work that day as he was sick. He then went and lay down in the fields. He returned home that evening and went to work the next day, and had been working since then. He was assaulted again the second day by Mr. Todd. He then ran away into the cane and thence to Umhloti Valley. He saw the marks on the deceased on the morning of the assault at deceased's house. No one was with him.

A. H. West, who, in place of the usual oath, made a declaration to speak the truth, stated that he was acting editor of INDIAN OPINION, and resided at Phoenix, about two and a half miles from Mr. Todd. He had known Mr. Todd ever since the commencement of the wattle plantation—about six or seven years. He knew the deceased Soorzai. Deceased was brought to the Phoenix Settlement, a number of Indians accompanying him. Witness listened to deceased's story. Deceased said that Todd had sjamboked him. Witness examined deceased and found marks on his back. The marks extended across the back. There were about six long wales. He felt they must have been sjambok wales from their appearance. There were no other marks, but at one place there was a slight abrasion of the skin, though this was not serious. The back was very much swollen. The deceased appeared to be suffering very much.

Cross-examined by Mr. Britter: When deceased came to him, deceased wore a jacket and underneath a woollen jersey. That was about two and a half hours after he had been assaulted. He noticed that the man was paralysed on one side—the left side. From his movements witness would conclude that he was not able at all to use his left hand. He kept his arm in the same place always. His arm was bent towards the chest, the hand hanging down. Witness produced a photograph of the deceased, which he had taken early on the morning following deceased's arrival at the settlement. That day Soorzai had gone to Verulam and made an affidavit in Mr. Britter's office. He saw the man Chengian on the morning of the assault. He had come with Soorzai. Several people saw them at the Phoenix settlement. Mr. Maganlal Gandhi saw them first of all and came and informed witness that the men had come. Another Indian named Satyagadoo also accompanied Soorzai. These two men said they had seen the assault, as had also the man's wife. Mr. Maganlal Gandhi saw the injuries, as also did Mrs. West, Mrs. Pywell, Miss Molteno, and Corporal Van Biljon. Deceased returned to Phoenix after he had made his deposition at Verulam. Deceased remained at Phoenix. He was allowed to remain there at the request of Corporal Van Biljon. Deceased remained there until he was fetched away by the Sergeant who was in charge of the camp in the wattle plantation, with whom was Compounder Campbell of the Natal Estates. He was told this by Mr. Maganlal Gandhi. He was not present when deceased was taken away. He understood that deceased was taken to the Estate Hospital at Mount Edgecombe. That was on the following Monday, so far as he remembered. The next time he saw Soorzai was after his death, at the Verulam Hospital. He identified his body. Deceased was known by another name—Amhalaram. Witness was present at the post mortem. That took place on Thursday, exactly a fortnight after the assault. The examination was held on the day following Soorzai's death. Witness saw the deceased also on the day of his death. There were four doctors present—Drs. Hill, Fisher, Copley, and Nanji. The brain when examined was found to have an old scar mark—a hard substance. Witness's attention was drawn to another thing, and that was congestion of the veins of the brain. They appeared to be red. There were no marks on the deceased's back at the post mortem. There was no swelling noticeable then, but the body had been lying on the back for about 24 hours, which would

tend to flatten out any swelling and make it difficult to see. He had seen the body in that position on the day of the death and the following morning, and he concluded that it had been in that position all the time.

Cross-examined by Mr. Dickenson: All the visible injuries seen on the day of the assault were no longer to be seen at the time of the post mortem. Deceased reached Phoenix about 8 a.m. in the morning. At that time witness did nothing for his wounds, but the next day he rubbed some cocoanut oil on them. Witness did not communicate with the Natal Estates. The settlement was about two and a half miles from Phoenix Station. He sent Soorzai by rail to Verulam. He sent a messenger with him to show him the way and pay his train fare. He walked to the station and started early so as to get plenty of time. Witness saw the wounds again after some days. The swelling was gradually going down. He had seen the wounds, he thought, on Sunday, and they were going down a lot, but the marks were still visible. He walked about a little. Chengian came with Soorzai, and witness did not see him again after that. Witness supposed he must have gone away after that. Soorzai's wife came with him to Phoenix and remained there. She went with him to Verulam and returned with him to Phoenix afterwards. Witness saw the marks on Soorzai's back—they were at the upper portion of the back, across the shoulders, and in the small of the back and on the buttock, but not low down. Soorzai wore a brown woollen jersey. The man appeared constitutionally to be very weak indeed, judging from his appearance and his paralysed arm. Chengian told witness that he saw Todd sjambok Soorzai.

Frank Campbell, sworn, stated: He was compounder at the Natal Estates. He knew Todd and the deceased Indian, Soorzai. He first saw Soorzai on a Monday evening, the 1st December, at 6.15, in a hut on the settlement of INDIAN OPINION. He had been sent up there to see one of the Company's Indians who was supposed to be sick. On his arrival there, the deceased was pointed out to him as being the sick man. Witness asked deceased what was the matter with him, and he replied that his back was sick. Witness examined the back and found two small circular bruises under the right shoulder. These were the only bruises he found on deceased. He told the deceased there did not appear to be much the matter with him, to which he replied, "I am all right. I am going to work to-morrow." Witness took deceased away with him to Mount Edgecombe, and handed him over to the sergeant who was in charge there.

Cross-examined by Mr. Dickenson: The marks he saw on deceased's back would not, in his opinion, be caused by a sjambok. He had seen the man before. He knew that he was partly paralysed. He should not have said he was a very weak man, but he was not fit to do heavy work. During the time he was at the Phoenix Wattle Estates—just over two years—deceased had been in fairly good health, and had never come before him for attention. Deceased had not complained to him about having been thrashed by anybody. On the Monday he saw him, deceased seemed fit to do his work.

Cross-examined by Mr. Britter: He could swear that the bruises he saw were not caused by a sjambok. The shape of the bruises, which were both circular, made him emphatic in his opinion. That was his opinion. He had seen wounds caused by a sjambok, but these wounds were not. A man falling and coming into contact with a stone would have similar marks. He had expressed that opinion to a man on the Settlement. Deceased was wearing no coat when he saw him, but only a loin cloth. He examined the whole of his back carefully. There were no marks elsewhere, but only those two little circular bruises under the left

shoulder, one about four inches below the other. The marks could have been caused by two round stones. Sharp stones would have punctured the skin. The wounds would more than likely have been caused by two round stones about four inches apart from one another on the ground. There was a slight discolouration caused by congealed blood under the skin. He saw no other mark on the body. The deceased must have fallen bodily on his back, slightly to the left. He should not say deceased had fallen heavily on his back, because the bruises were such as would not indicate a heavy fall. His opinion was that, the man being paralysed on the left side, the weaker side gave way and he collapsed. He had seen sjambok wales. He had never watched the progress of sjambok bruises. He had never examined a man who had been sjamboked on a Thursday, on the following Monday. He had never seen marks caused by a sjambok, five days afterwards. It was his opinion that the marks on Soorzai were not sjambok marks. He first heard that Soorzai had been sjamboked on the same evening on his return from the Settlement, but it had not been said by whom. He remarked to an Indian that there did not appear to be much the matter with the deceased. He appeared to be the Indian in charge of the Settlement at the time of his arrival. He could not say when he first heard that the man had been sjamboked. He knew nothing at all about the injury until the Monday night. After his examination he had been told that deceased had been sjamboked but not by whom. He had heard that deceased had been sjamboked by Todd—he could not say when. He thought that the first time he had heard it was when he heard Soorzai being charged for not attending to his work. He then heard that there was an assault case against Todd. He heard talk outside the Court that Soorzai had been sjamboked. Soorzai never said anything about having been sjamboked at all. He had not heard Soorzai give his evidence in Court. He could not say how Soorzai fell on his back. He had nothing to back up his opinion except what he had seen. He was not a medical man.

In reply to the Magistrate: He had been in his present post for five years. He had been a chemist's assistant for 14 years, and had been five years a sergeant in the Natal Medical Corps. When deceased left the settlement he put on a red cotton shirt and he had a coat in his sack of clothing, which he put on on their arrival at Mount Edgecombe.

G. J. Todd, sworn, stated: He was manager of the Phoenix Wattle Estates, and the deceased Soorzai was indentured to him. The deceased attended to the office and the telephone. Deceased's left arm was paralysed. Deceased was paralysed before he had got him. He had no outside work to do, but just answered the telephone. He remembered the 27th November, when he had some trouble with the Indians under him. On the Thursday morning he went to the stable as usual. His wagon sirdar, Achigadu, told him there were no boys there and that they were not coming out. They said they had their week's rations, and they were not coming out to work. He mounted his pony and called a native named Umhlasani. He told him to come on to the barracks with him. The native accompanied him to the top end of the barracks, where the Calcuttas lived. He dismounted and told the native to hold his horse. He went in and asked the men what was the matter and why they had not turned out to work as they had got their rations the previous evening. They said the "Bombays" had told them they were not to go to work. Witness said, "Come on; off to roll-call!" He chased every one of them, saying, "Off you come to roll-call!" and they cleared off through the wattles. He went through the barracks, which are about 200 yards long. He went to every hut. There was a slight drizzle. When he went to the top portion of the barracks and

told the men to go to work, they went. He then went down to the lower end of the barracks—brick buildings and wattle and daub huts—where the deceased Soorzai was standing. He was standing just five yards from the road. Just before he got up to Soorzai he heard an awful noise of shouting. When he got up to deceased, he said, "Why have you not gone to work?" in kitchen kafir. Deceased was very excited, and waved a stick in the air with his right hand and said something in "coolie." He did not understand "coolie." He saw his threatening attitude. He gave deceased a slight push and shoved him down to the ground about five yards from him. Deceased was up like a bird and went at him. Witness pushed him a second time and landed him farther. He pushed him with his left hand on the chest. The ground was on a slope, and deceased fell into a slit the second time. The ground was broken ground. After that witness went away and left deceased. He saw deceased's wife help him up. His wife had been present at the time. She helped deceased out of the gutter when witness pushed him the second time. She ran to him. He did not see deceased again until he saw him at Verulam, and charged him. He denied sjamboking deceased. He had no sjambok in his possession. His sjambok was with his native who held his horse. The native was standing about 15 yards from him on the main road. There were a number of Indians about armed with large and small axes. They were stripping bark at the time. It was the same morning the affair took place at Blackburn. The men were very excited. Witness always carried a revolver during the strike. He fired it off that morning. He fired it into the air with his left hand once after he had been with Soorzai in order to show the men that he had it. There were about ten or twelve absentees. There was no rain, just a drizzle. It was some time after the bell had gone that he went to the barracks. Ejamberam was the sirdar who called them out that morning. He had put deceased in the office on his arrival at the estate. Deceased had re-indentured with him on the 23rd October last. He had no complaint against deceased. Only on that particular morning deceased had wanted to strike him. Deceased had had a lot of trouble with his wife, and witness had always helped him; deceased had given him his money to look after. Deceased's wife was not registered with him. She had lived with deceased at Inanda, and afterwards came to him. He had had to transfer her to the Blackburn Estate. Chinasamy, he understood, was not deceased own son, but his brother's child.

Cross-examined by Mr. Britter: He showed deceased every consideration. Deceased was a favourite with him. He had looked after him and helped him out of all his troubles. Deceased could not have had any grievance against him because he had been very good to him. Deceased was very funny at times. Witness had seen him chase his wife round the place. Deceased's leg was all right. It was his arm that was paralysed. That morning he was excited. It was never known what they would do during a strike. After twelve years with him, his Indians would not even salaam him during the strike. It was absolutely false that he had kicked Soorzai. He had simply pushed him down. He would not touch a man like that. The native who held his horse could corroborate his statement. He denied that he had kicked or sjamboked Soorzai. Soorzai's wife was a bad woman. Chengian was never at the barracks that morning when he mounted his horse. Chengian was going in a different direction from the barracks, and he chased him to roll-call. When he called the names of the Indians he went up to him to find why he did not come, and Chengian ran. Deceased could bring witnesses to prove that Chengian cut his head against the wattle trees. Chengian lived about 200 yards from Soorzai. He could not say how the wales came on Soorzai's back, unless, of course,

when he had pushed him down. Witness was excited. The second time he pushed deceased, deceased fell into the sluit. Witness was not with Campbell when he examined deceased. He did not see the bruises on Soorzai's back. He did not see Soorzai again until he came to Verulam. He could not tell why Mr. West and others should see wales on Soorzai's back. He had had some funny cases at Phoenix—where men had marked themselves. He did not know of any feeling which Mr. West or the others could have against him. They did not interest him. He had enough work to look after his estate. It was an Indian all over to go and tell lies. He admitted he had pushed deceased down. Deceased came up to him a second time. When he came to him again he pushed him off again. Deceased was a cripple when it pleased him. There was nothing the matter with his leg. He limped sometimes. He had seen him chase boys round the factory. There might have been tins and rubbish lying in the sluit. He did not pull deceased; he pushed him. The first push he gave him was for being cheeky. The man was waving his stick at him. When he got up he waved the stick again and was as excited as could be. Deceased did not get a chance to hit him with the stick. He was brandishing his stick in his right arm, and the Indians round about had choppers in their hands. He charged Soorzai with absence from roll-call and also breach of the peace. He could not tell if the police ever inquired into the charge of Soorzai. He came to Verulam to make a statement about Soorzai. That was on a Wednesday. That case was called on the 3rd December. He was in court, and was represented by Mr. Dickenson. Naturally, he would tell his representative all the facts of the case. He did not hear Soorzai swear that he had been sjamboked. He simply gave his evidence. He was not in court when Soorzai gave his evidence. He was represented. He would not be surprised that Soorzai, in his evidence, had stated that witness had sjamboked him. He could not tell why his representative had not cross-examined Soorzai. (Mr. Dickenson: "I took it for granted that he was lying.") He did not remember the statement. He did not take any notice of it.

The further hearing was adjourned to the 15th instant.

Rev. C. F. Andrews at Pretoria

(Special to INDIAN OPINION.)

The Rev. C. F. Andrews is at present in Pretoria as an honoured guest of the local Indian community. The Indians had engaged rooms at the Grand Hotel for him, but Mr. Andrews, wishing to study Indians in their own homes, preferred to occupy the same rooms as Mr. Gandhi, and was Mr. V. S. Pillay's guest at the Indian Bazaar. The compliment was paid to Mr. Pillay, as Mrs. Pillay, a lady of over fifty, is undergoing imprisonment in common with several other Indian women who chose to become passive resisters rather than enjoy the home comforts while the law still considered them to be the concubines, as Sir Johannes Wessels put it, and not wives of their husbands. The reverend gentleman is now Mr. G. P. Vyas' guest. He and Mr. Gandhi have also been feted by Mr. Haji Habib and the Dhoobie community. The last-named held a meeting at the Indian Bazaar, at which Mr. M. V. Patel presided, and over £30 was collected in support of the struggle. Babu Ralaram, Barber Jeewa Mahomed, and others had charge of the culinary and other arrangements that were made for treating Mr. Andrews and the friends who were invited.

A tea party was also held on the premises of Mr. Ali Mahomed Khamisa in honour of the guest. Nearly forty representative Indians sat at the table. Almost all the noted Mahomedans and Hindus were present.

Mr. Gandhi had been mentioning that there was general talk in the European circles to the effect that in Pretoria at least the Hindus and Mahomedans were divided, and that the latter were against the passive resistance struggle. A document was therefore prepared, which reads as follows:—

"We, the undersigned Hindus and Mahomedans of Pretoria, repudiate totally the charge or suggestion that we are 'at daggers drawn.' Not only is the charge untrue, but we know that the relations between the two sections of the Indian community are of the friendliest character, and they have never been otherwise. We, the undersigned Mahomedans of Pretoria, repudiate the further charge that we are against the present Passive Resistance Struggle. On the contrary, we desire to state that we are wholly in sympathy with the Struggle, that we have always assisted it, and are ready to do so by contributing to the expenses, by attending meetings, and by contributing men, too, for taking an active part in the Struggle. We firmly believe that the civic salvation of British Indians in South Africa is to be attained only by Passive Resistance."

Messrs. Khamisa, Tayob Haji Khan Mahomed Cassim Adam, Haji Habib, Noor Mahomed, and others who spoke at the party, vehemently denied the charge that there was any division among the two sections, and that the Mahomedans were against the struggle. The above-mentioned document was handed to Mr. Gandhi to make any use thereof that he might think fit in order to repudiate the charges. Almost all the principal Mahomedans and Hindus who signed it. To return, however, to our distinguished guest, most laudatory speeches were made at all the meetings. Mr. Andrews has been giving to the meetings messages of hope. He showed how he came to love India. His noble Mohamedan friends, the late Munshi Zakaula and Moulvie Nazir Ahmed, who were to him (he says) like parents, taught him to learn that there was no distinction between Hindus and Mahomedans, and that he was to love both equally. Mr. Rudra, his Principal at St. Stephen's College, Delhi, and his friend, taught him how a Christian Indian could associate himself with the progressive spirit. Mahatma Munshiram, of the Gurukul, at Hardwar, and Gurudev Babu Rabindranath Tagore, the poet laureate of India, taught him to know the true worth of ancient Indian life and wisdom. Mr. Andrews also gave a graphic and touching description of how the students at his college went out, by permission of the principal, to beg in the streets of Delhi for collections in aid of the South African struggle, and got Rs. 2,000 in one day, how the pupils at the Gurukul for three days offered their services as labourers for building a Bund near the Ganges, and how they did each of them three, and even four, labourers' work per day for the South African Indian cause, and how at Gurudev's Ashram the pupils are themselves building a hospital so as to send the money, saved by themselves working as labourers, to South Africa. The reverend gentleman preached at the Pretoria Cathedral on Sunday, the 11th inst., to a crowded congregation.

In a striking speech delivered on December 16 at a public meeting called for the purpose of expressing thanks to the Indian Viceroy for his attitude in regard to the treatment of Indians in South Africa, the Bishop of Madras, after eulogising Lord Hardinge's outspoken protest, said that when tyranny was masquerading as law resistance became a virtue and not a crime. When the Union Government said: "We cannot consider your grievances until resistance to the law has ceased," the Indians had far more reason on their side in saying: "We will cease our resistance to your laws when you cease to make them the instruments of oppression."

From the Editor's Chair.

OFFICIAL MISREPRESENTATIONS.

WE publish in another column an extraordinary telegram from Lord Gladstone to the Colonial Office, dated November 19 last, indicating a positive desire on the part of the Union Government to misrepresent to the Home Government the facts of the then existing situation. No better proof could be afforded than this of the truth of Mr. Gokhale's statement that Lord Gladstone's denial of ill-treatments was merely a repetition of the interested denials of his guilty Ministers, and had no original value whatever. The first misrepresentation is the suggestion that Indians had complained that non-prisoners were being confined in the mine gaols equally with prisoners. Why is it concealed that indentured Indians may not be proceeded against under the Masters and Servants Act, as Lord Gladstone declares they have been? And why, if the imprisoned Indians were, in many cases, £3 taxpayers who had not paid the tax, is it concealed that by law they may not be proceeded against under the Masters and Servants Act, or even employed at all, so long as they cannot produce their annual licence? Was not the crime that of the employers and not that of the Indian labourers? The telegram admits what it affects to deny, namely, the truth of the Indian statements that the mine areas were turned into temporary gaols; that the Indian miners therein were liable to be required, as convicts, to perform the tasks that, as non-prisoners, they had refused to perform; that the white employers were given the status and powers of warders over them; that refusal to obey the orders of these "warders" rendered them liable to flogging under the prison regulations issued under Act No. 13 of 1911; and that any attempt to escape from these temporary gaols rendered them liable to be shot by these "warders," who would be duly indemnified. Finally, Lord Gladstone makes himself responsible for the important statement that "under the regulations, prison officials may only use force in self-defence, and in no case for the purpose of coercing prisoners to work." It is most singular, then, that Chief Warder Davis, of the Durban Gaol, testified on oath, before Mr. J. Y. Gibson a few days ago, in Mr. Pragji Desai's case, in which he charged a native warder with assault, that it was the practice, in the Durban Gaol, to use force in order to maintain discipline and to oblige recalcitrant prisoners to work. We trust that a further inquiry into the practice of the Durban gaol will be instituted without undue delay.

The Hill Head Inquiry

IN continuation of our report of the Blackburn and Hill Head inquiry, which was resumed on the 6th instant, Mr. Langston called an Indian witness named Moonsamy, who swore to a statement made on the 28th November last, that he was present on the road near the barracks at Blackburn, and saw Mr. Colin Campbell fire twice, the second shot striking Patchappen. Then the troopers fired. Witness escaped into the cane, and in doing so he saw Raguvan shot. No attack was made on the troopers or on Mr. Campbell. He also stated that Mr. Colin Campbell threatened to shoot the Indians unless they returned to work.

In reply to Mr. Langston, witness denied that they had either sticks, cane knives, or stones.

Mr. Robinson asked if they were excited, and witness replied that they were frightened by seeing the police. They were not excited. They had relatives at Hill Head, and so went to see what was

happening when they were met by the police. Mr. Colin Campbell rode up with the police and fired his revolver at them. The troopers chased the Indians in the short cane. Mr. Colin Campbell shot Raguvan.

Poonasamy, called by Mr. Dickenson, for the Natal Estates, an Indian sirdar indentured to the Natal Estates, said that he was an estate constable Hill Head and remembered the disturbances. He was giving medicine to the Indians, and noticed the troopers and Mr. Colin Campbell arrive. The troopers halted away from the barracks, and Mr. Colin Campbell went alone to the barracks. Then he came to the office where witness was, and instructed him to tell the Indians to come to roll-call. The Indians refused to take orders from witness. Selvan said they would not go to work. Witness told them that they could come to roll-call even though they did not work. He saw Selvan take hold of the reins of Mr. Colin Campbell's horse. The Indians surrounded Mr. Colin Campbell, and witness ran away. He saw broken bricks being thrown at Mr. Colin Campbell, who rode back to the troopers. Then they all went into the barracks, and he also went with them. He advised them not to resist the police. Selvan told the people not to attend. The officer then told three Government native police to arrest Selvan. The Indians then attacked the native police, and the native police struck back. Then there was a general fight between the Indians and the natives. He noticed the Indians throwing stones at the troopers, who then hit the Indians with their sticks. The troopers tried to run away from the crowd and scattered in all directions. One got a wound on the head and two got down from their horses. Mr. Colin Campbell tried to run away, and he came off his horse. After this he heard a shot. Then he ran away to the office and locked himself in. He did not come out till all was finished. He saw the Indians collecting stones two or three days before the disturbances. They only had bricks and sticks. Selvan had a stick, and so had he. The natives caught hold of Selvan, and as he was being dragged the Indians attacked them and the natives released him.

Cross-examined by Mr. Langston: He never saw Selvan act as a leader of the Indians or assume a fighting attitude before. None of the estate native constables were there. There were three Government native constables. Two of them had assegais.

By the Court: None of the Indians had firearms.

Asked by Mr. Langston, who gathered bricks, witness said that he did not want to give the names, but they all did it, including himself.

Maugamah, widow of Patchappen, called by Mr. Langston, gave evidence as to the shooting of her husband and Raguvan.

The hearing was resumed the following day, when a number of Indians, whose depositions were taken in the hospital, were examined.

Penchill, called by Mr. Langston, adhered to his statement, made on 15th December last, that he saw an Indian who wore glasses (Selvan) so as to hold the horse, in compliance with an order given to him by Mr. Colin Campbell, but before he got hold of the horse Mr. Campbell struck him on the head with a stick and he fell. Mr. Campbell then gave the order to handcuff Selvan, which was done by Marimuthu, helped by another native constable named Doulett. He then saw Marimuthu stab Selvan with an assegai in Mr. Campbell's presence. He was stabbed in the throat. Witness ran into his hut, but was dragged out again. Witness tried to run into the cane, when an estate constable named Mottai Naiken struck him with a stick and broke his arm. He then received a blow on the head from a native, which stunned him. After lying where he fell for some time he was helped to his hut by an Indian named Ramadoo. The next day he proceeded to Verulam to complain, when he was arrested and charged before the Court with leaving the estate. Afterwards, whilst he was having his

deposition taken at Mr. Langston's office, and before he could be sworn, he was driven back to the estate by the police. The next day he was admitted to the Verulam hospital.

Cross-examined by Mr. Robinson: At the time of Selvan's arrest the troopers were with Mr. Colin Campbell. Two estate native constables and one estate Indian constable were with Mr. Campbell when he ordered the arrest. Selvan was killed whilst the troops were coming into the barracks. Witness saw no disturbance at that time.

By Mr. Dickenson: He was not in a position to state whether Mr. Colin Campbell saw Selvan stabbed, but he was there.

In reply to Mr. Langston: Mr. Colin Campbell gave the order to "bamba," and immediately afterwards Selvan was handcuffed and stabbed.

Thathaya adhered to his statement made on the 15th December last, that he was lying in his hut when the firing commenced. A European policeman came to his hut and shot his wife in the leg and then shot witness in the right thigh as he was lying on his bed.

Cross-examined by Mr. Robinson: He knew where the broken bricks were, and could see them from his open door. He heard the noise, but did not go out as he was ill at the time. A baby in arms and another small child were in the hut when they were shot.

By Mr. Langston: He did not see any Indians congregated on the broken bricks. Though he heard the disturbance he could not see it.

Puncham swore that his statement, made in hospital on the 15th December last, was true. He was on the road at Blackburn with other Indians going in the direction of Hill Head when they met Mr. Colin Campbell and the troopers. He stated that Mr. Campbell fired point-blank at them, and two Tamil men were killed. Witness was frightened and ran away, but before he reached the cane he was shot in the right leg near the ankle. There was no attack made on Mr. Campbell or the troopers. He had no stick or weapon in his hand, nor did he see any other Indian with one.

In answer to the Magistrate, witness stated that Mr. Colin Campbell had a revolver of the same length as those of the police.

Mr. William Campbell, re-called by Mr. Dickenson, said that he knew that his brother Colin had a "baby" Browning pistol, and he also had a full-sized Browning. He also assumed that he had a service revolver, but he did not see him carrying one.

Hoosenigadu adhered to the statement made on the 15th December last, and swore that he saw the stabbing incident. Witness ran into the cane, but before getting there he was shot in the left shoulder. The shooting took place because the Indians refused to go to work. He did not resist arrest, nor did he attack the troopers, nor did anyone else attack them. He saw the actual stabbing, and could identify one of the natives.

Kullen adhered to his statement, made on the 12th December, 1913, that he saw Selvan stabbed after being handcuffed. Witness ran into the cane, but received a shot in the left thigh. Mr. Colin Campbell and the troopers searched the cane. When witness saw Mr. Colin Campbell he asked for mercy, but he replied by striking witness on the head. He received other blows from the troopers, and one on the left arm from an estate native named Doulet. He saw the troopers charge the Indians and ride over them. He saw no sticks nor cane knives with the Indians.

Roopsing, another Indian in hospital, adhered to his statement, made on the 12th December, 1913, that he was at the Blackburn barracks when Mr. Colin Campbell and the troopers came up. Mr. Colin Campbell asked the Indians whether they intended to work. A number replied that they would not return until the £3 tax was removed. They all then went away. About an hour afterwards there

was a movement among the Indians towards Hill Head. On the main road they met Mr. Colin Campbell coming at the head of the troopers, and witness saw him fire two shots at the Indians. He himself was shot in the left leg above the knee. No attack was made by the Indians. They did not carry sticks nor cane knives with them.

By Mr. Dickenson: He was shot by Mr. Colin Campbell as he (witness) was running away.

The inquiry was closed, the Magistrate intimating that it would take some time to consider his decision, which would be submitted to the Attorney-General.

Serious Charge against a Planter

The preliminary examination was commenced at Verulam on the 14th inst., in regard to a charge of assault by Mr. William Gillespie Armstrong, a sugar planter, of Verulam, on a Mahomedan priest named Mahomed Seepye, and two other Indians named Mahomed Yusuf and Mukdoon Khan, on the 22nd November last. Mr. Th. McDonald heard the case, the Public Prosecutor appearing for the Crown, and Mr. Hugman for Mr. Armstrong, who was present in Court.

Dr. Hill was the first witness called. He read a detailed report describing the injuries, which were caused, in his opinion, by some blunt instrument like a sjambok. There were contusions on the head and face, across the shoulders and back, and they were serious. The following morning the priest was in a very serious condition. His heart was failing, the pulse was irregular, and he had developed localised pneumonia on the right side. There was also partial paralysis of the face. Mahomed Yusuf's life was never in danger, but his condition was serious.

Mahomed Seepye, who appeared to be still very weak, gave evidence of the assault. He adhered to his statement made on the 23rd November, that he arrived at Verulam from Maritzburg on the afternoon of the 22nd November for the purpose of performing a marriage ceremony. Feeling not quite well, and a trifle giddy after the train journey, he went for a short walk along the main road leading to Tongaat, accompanied by Mr. Mahomed Yusuf. When they reached the place where a private road leads to Mr. Armstrong's mill, two natives rushed forward and arrested them and told them that they were going to take them to their master. They did not resist, and went with the natives. When they had crossed the bridge, about 30 natives and a European who was in a carriage, appeared on the scene. The white man was Mr. Armstrong. He shouted to the natives to surround the two Indians and strip them. Mr. Armstrong then, it is alleged, thrashed the men unmercifully with a sjambok. The natives then dragged the men through the river and they were again thrashed. Mr. Armstrong would not listen to any explanation, but continued to hit them with the sjambok. The priest was assaulted four times, with a few cuts in between.

Mahomed Yusuf adhered to his statement, made on the 23rd November, that he saw Mr. Armstrong thrash Mahomed Seepye and that he himself received ten or more blows with a sjambok.

Mukdoon Khan remembered making a statement on the 25th November that, when he was informed of the assault he ran along the road and found, first Mahomed Yusuf lying on the road and further on Mahomed Seepye. When he saw Mr. Armstrong he told him that the priest had come to Verulam to perform the marriage ceremony of his daughter. Mr. Armstrong then struck witness also. He saw Mr. Armstrong strike the priest while he was on the ground.

The further hearing was adjourned to the 21st inst., for the production of three more witnesses.

A Remarkable Telegram

We publish hereunder the full text of the telegram addressed on the 19th November last by the Governor-General to the Colonial Office:—November 19.—On account of Government notice November 12, published in the "Gazette" on November 14, ten mine compounds in the Dundee district and one in the Newcastle district were declared out-stations to Dundee and Newcastle gaols respectively, under provisions of section 13 (1) of Act No. 13 of 1911. This step was essential because of the want of accommodation in the ordinary prisons in view of the large number of Indians who were marching in organised bands with the avowed purpose of defying the law and actually courting arrest. Only Indians actually committed by a court can be received into these out-stations. No others can be accommodated therein even as free men, and the conversion of the mine compound into a gaol out-station does not convert the ordinary occupants into prisoners. The compounds of out-stations are under the control of (1) magistrates of districts who are in charge of district gaols; (2) the gaoler of the district gaol; (3) regular warders of the Prisons Department who have been placed in charge of each of these out-stations. Members of mines have been sworn in as warders for the purposes of out-stations. In addition at least one trained prison warder has in each case been placed in charge. All persons employed in connection with these out-stations fall under Act No. 13 of 1911 and statutory regulations thereunder. In Dundee district the only indentured Indians sentenced under Natal Act No. 25 of 1891 have been confined in out-stations. In no case have sentences on indentured Indians exceeded seven days, and the last of such sentences in the Dundee district expires to-morrow. In the Newcastle district some indentured Indians sentenced to longer terms under the Master and Servants Act are confined in out-stations. Warders in the Dundee district may possibly be retained until Saturday in case Indians whose sentences have been suspended might have to be imprisoned should a fresh outbreak occur.

The Government of the Union of South Africa has received no complaints as regards ill-treatment of Indians at the Natal mines except from Mr. Lazarus, chairman of the Newcastle Indians, who made general allegations. The Magistrate of Newcastle has telegraphed that there is absolutely no truth in the allegations of ill-treatment at Ballengeich Prison. Presumably Narjia died of tuberculosis and had not been on hard labour. Ballengeich is the only compound gaol out-station in the Newcastle district. Under the regulations prison officials may only use force in self-defence and in no case for the purpose of coercing prisoners to work. I am confident my Ministers would deal severely with offenders should any case of ill-treatment occur in prisons on out-stations. Indians at Ballengeich were working quietly in the mine yesterday. The false or exaggerated statements which seem current in England and India are most mischievous. The whole object of Ministers is the essential restoration of order. There will be no ill-treatment and force will only be used to put down unprovoked violence by the strikers themselves.

[Note.—We comment upon the above in our editorial columns.—Ed., "I.O."]

The Indian Inquiry Commission is advertised to open its first sitting in Durban on Monday, the 26th instant. Under the present circumstances, we do not advise members of the Indian community to give evidence.

The first article appearing in our editorial columns last week was, of course, not a leading article. The mistake was made in the making up of the pages.

News in Brief

We are glad to announce that Messrs. Haji Dawad Mahomed, E. M. Paruk, M. S. Randaree, Ismail A. H. Moosa, and Parsee Rustomjee have received the honour of the fourth class of the Order of Medjidiah from His Imperial Majesty the Sultan of Turkey, for services rendered in connection with the Red Crescent Society.

On Saturday, the 17th instant, Mr. Bhawani Dayal, of Germiston, was discharged from the Durban Central Gaol; and Mr. Shivprasad Murlisingh, also of Germiston, from the Point Gaol. They were welcomed and garlanded, and were offered refreshments by Mr. Parsee Rustomjee. On Monday, Mr. Goolabdas Govendram, who acts as priest of the Hindu Temple, Germiston, and Mr. Raghurib Naroten, also of Germiston, were discharged, from the Durban Central and the Point Gaol, respectively. They were similarly received. Messrs. Bhawani Dayal and Goolabdas were for the last few weeks in hospital. We understand that whilst the treatment at the Central Gaol has improved, that at the Point Gaol is the subject of considerable complaint.

On Tuesday, the following Transvaal Indian ladies were discharged from the Durban Central Gaol, after serving sentences each of three months' hard labour:—Mrs. Thambi Naidoo, Mrs. N. S. Pillay, Mrs. N. Pillay, Mrs. P. K. Naidoo, Mrs. M. Tommy, Mrs. K. Murugasa Pillay, Mrs. Perumal Naidoo, Mrs. Chinsamy Pillay, Mrs. Bhawani Dayal, and the Misses Baikum Murugasa Pillay and Minachi. We hope to give a full report of their reception in our next issue.

At Verulam, on the 14th inst., three indentured Indians, employed by the Greenwood Park Brick Company were charged with being absent from roll-call on the 12th inst. The men, when questioned by the Magistrate (Mr. Rossler) said that they were not to blame. They had been in gaol for desertion as passive resisters and were released on the 8th inst. Since then they had been under the care of the Protector at the Depot. They were escorted back to the brickyard by a policeman and did not arrive until the evening of the 12th inst. Mr. Britter, who appeared for the men, pointed out that it was impossible for them to have been at roll-call on the morning of the 12th inst. when they were under escort until the evening. Mr. Fox, the manager, admitted that he had received a letter, dated the 10th inst., from the Protector, informing him that the men were being returned; but still he made no inquiries whether they had been at the Depot. The Magistrate saw that the men were not to blame and therefore discharged them.

On November 29, a discussion was held at the Essex Hall, London, under the auspices of the "New Witness," on "The Colour Line and the Natal Danger to India," Mr. G. K. Chesterton presiding. In opening the proceedings, he said that there was no more tremendous subject than Mr. O'Donnell was going to present to them that night—the problem of the relations of races. There was no more tremendous question than how far they ought to allow for likes and dislikes between the white man and the man of the other kind, and how far they ought to realise that no society could be Christian unless it recognised them all alike as citizens. Mr. F. Hugh O'Donnell delivered a powerful address on the subject.

The strike of European miners on the Natal coal-fields has synchronised with the Indian trouble, and that fact (says the "Mercury") has proved an additional blow to the industry. It would appear, however, that the strike itself has been given little or no thought among the Indian labourers in the present movement. Mr. Gandhi, in reply to a "Mercury" representative, said the strike had nothing to do with the Indian movement.

English Press Opinions

Under the heading, "A Test of Empire," the "Standard" writes editorially:—The grievance of the Indians will remain even if they are coerced into quiescence, unless the Afrikaners can be induced to treat their Asiatic fellow-subjects with more generosity. Possibly they might do so if the majority understood a little more clearly the distinction between the Indian settlers and the natives with whom they are more familiar. To the Colonist every coloured person is apt to be a "nigger," a member of a barbarous race, and an inferior order of the human species. The description may apply to the kafirs, the Basutos, and the Swazis, but the Indian immigrant is in a different category from these semi-savages. The best solution would be for the South African Governments to recognise these facts, and put the Asiatics on much the same footing as European or American immigrants, while taking precautions against an excessive influx of more unskilled coolies. This is what the Indians demand; they point out that they are subjects of the King-Emperor just as much as their oppressors, and they call on the Imperial authorities to see that their rights are respected, a demand which the Indian Government supports. This adds much to the gravity of the situation. It brings us face to face with one of the inconveniences of that loose arrangement of States and Dependencies under a common Sovereign which is our only substitute for an Imperial Constitution. Nothing is easier than to lay down the rule that each of these units, or at any rate each of the autonomous units, is master in its own house. But what happens when this assertion of domestic supremacy in one area inflicts injury upon one in another? The Afrikaners, like the American Slave States before the Civil War, claim that the right to "wallop their own nigger" was granted them by the Constitution. Unfortunately, in this case it is somebody else's nigger they are walloping; and that nigger happens also to be a subject of the Imperial Crown and entitled to its protection.

Says the "Daily Citizen":—A situation of grave menace has been created in Natal and throughout South Africa, which may have serious consequences both in Africa and India. It has been caused by the genuine grievances of British Indians in South Africa, aggravated by the stupidity and incapacity of authority in dealing with these grievances. In the mines and on the sugar plantations of South Africa, as on the railways, in the mines, and at the docks at Home, the usual method is to pay no heed to grievances until people are driven by them to take some drastic step, such as a strike; then an attempt is made to settle the dispute by giving a free hand to soldiers and police. This method never succeeds, in the very nature of things cannot succeed, but authority learns nothing and forgets nothing. There are over 130,000 British Indians in Natal. They are treated not as the men and women of a great and wonderful land with a civilisation older than our own, but with that mixture of cruelty and contempt which whites frequently reserve for kafirs and niggers, who were made, it is assumed, to be killed by men of different colour. That the British Indians in South Africa have patiently borne wrong and misrule is hardly in dispute. In these disturbances, whether at Home or abroad, how history does repeat itself. The Indians decided to offer passive resistance to wrong by refusing to work. They developed strong leaders, who developed among the Indian labourers a race and class solidarity. The answer of authority was to clap the leaders in gaol. How familiar and how futile that method is.

The "Globe" thinks that the Indians can justly complain that they have not been treated fairly or well in the matter. From the time when the Transvaalers sought to prevent the return of the pre-war Indians to the recent judgment in the Indian marriage case, the course of white diplomacy has been tortuous and even sometimes oppressive. We regret to have to say that the Government have not shown that straightforwardness and loyalty to their engagements which should have been expected.

The crime of the Indians now working out penal sentences is that they are conscious and proud of their Imperial citizenship, and that they have taken at their face value our immemorial boasts about equal rights under the flag, says the "New Statesman."

It is very difficult to differentiate from gross slavery the actual laws passed in Natal against the Hindu settlers. . . . The combination of punishment and profit is too revolting. The peril in India is so immense that Natal had better not push its self-government beyond all bounds of justice and moderation, thinks the "Outlook." The British Empire never intended its most sacred obligations to weak races and to its own native subjects to be absolutely sacrificed to extreme theories of Colonial self-government.

The trouble with the Indians in Natal is no mere labour strike, thinks the "Saturday Review." The whole policy of the South African Government in its dealings with the Indians is at issue. The Natal planters want the Indians only as indentured labour, not at all as men. They have plainly said it. The Indians are rebelling against that position. They have passively resisted their masters; and they are now using the strike as a political weapon. The few riots of the week are accidents by the way. The plain truth is that the South African Government has now to deal with the whole question of coloured indentured labour in South Africa. The problem has come to a head. Up to the present the South African Cabinet have tried to put off their decision.

They made promises to Mr. Gokhale, a wise and moderate champion of Indian rights. These have yet to be redeemed. The real reason of the present revolt is a conviction of the Indians that the Government's failure to deal with the situation is a breach of faith with their leaders. They do not trust the Government. The South African Government will have very clearly to show its intentions one way or the other. Playing with the situation will not do. This question concerns not only South Africa, but the Empire. It is the sort of question which the Imperial Government should have insisted upon keeping in its own hands.

One feature of the South African trouble with the Indians working in the mines, which has largely escaped attention here, but is just now being attempted to be explained and extenuated, says the "Westminster Gazette," is the extension to that region of the system of "peonage," or enforced labour, in case of breach of contract, which used to be confined to Spanish America, and especially to Mexico. It has spread within the last few years to the United States, where its manifold opportunities for abuse have been found so abundant that even such Southern States as Georgia and Alabama, well-accustomed as of old-time they were to negro slavery, have been moved to protest. They have found, indeed, that convict-leasing to private proprietors for their own profit is open to the gravest abuse. The punishment of labourers for breach of contract by sending them to the chain-gang simply means that any white man who charges a black with either backing-out of an engagement to work or failing to repay a loan can relegate the defendant to the chain-gang, with all its accompanying horrors of strenuous labour, evil quarters, and the lash. The plea that some employers who make use of these wretched beings are humane is of no more avail than was the same plea when urged in defence of the old system of negro slavery; and, if any semblance of the re-establishment of such slavery in regard to Indians is in existence in Natal, more than a little explanation is absolutely necessary.

It is probable, says the "Nation," that the complete exoneration of Sir Duncan Mackenzie from all the charges of ill-treatment brought against him is not as satisfactory to Indians, on the spot, suspicious of the methods of Natal justice, as to publicists in this country.

South Africa is reaping the harvest of a vicious policy, and India and the Empire may feel the disturbance, says the "Huddersfield Daily Examiner." For a considerable period the Indian population of Natal, which is considerable, has been regarded by the white population as a "tertium quid" with which it was exceedingly difficult to deal. They have been exceedingly well behaved and industrious, and to that extent have been an unobjectionable and, indeed, a useful section of the population.

The stubbornness with which the strikers refuse to return to work (says the "Lancaster Daily Post") and the comparative excesses to which a customarily law-abiding class of people have committed themselves, prove that the disaffection is grounded upon real grievances, which severity alone on the part of the authorities will tend to intensify rather than to abate.

There is need (says the "Northern Star") for prompt action of a pacificatory character, action, that is to say, which will be proof to the Indians that at last their just demands will be given the consideration they deserve and that the humiliating disabilities and discriminations will be removed. . . . It must be admitted that the Indians have in this matter behaved better than the Union Government. They might have caused trouble much easier, and they had a fine opportunity during the strike riots of dealing a heavy blow to the Government, yet they refrained; but, they cannot be expected to exercise that restraint for ever, neither can men of the stamp of considerable numbers of these Indians be expected to quietly submit to regulations and restrictions which they regard as insults to their dignity, or to wait for an indefinite period for redress of their grievances.

A new agitation that threatens to be more widespread and disturbing than its predecessor is now beginning, and it is hard to say what its consequences may be unless Colonial opinion can be persuaded of the justice of the Indian claims. As seems to us ("Birmingham Post") the bare minimum that reason and equity and the ultimate interests of the whole Empire manifestly dictate.

The list of Indian grievances reveals a remarkable degree of anti-colour feeling in South Africa. Obviously, with the increasing consciousness among the Indian people of their rights as members of a free Empire, this feeling was bound to lead, at some time or another, to a conflict. This Empire cannot go on for ever pretending that the membership of the Indians in "the most liberty-loving Empire in the world" is consistent with the denial to them of elementary rights of citizenship on grounds of colour. The revolt now proceeding had got to come, says the "Birmingham Gazette" All we can say is, if Natal is capable of allowing the Indian prisoners to be used as forced labour for the mines, she is capable of the flogging as well. . . . Imperial interference with Colonial affairs is only justified by Imperial emergencies. The employment of forced Indian labour in the Natal Mines is clearly a case justifying such interference. The force of British democratic opinion stopped Chinese forced labour in South Africa, and we are greatly mistaken if it will not do the same with this greater outrage. Never in the history of our relations with India has British authority put upon our Indian fellow-subjects a greater humiliation.