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Messrs. Andrews and Pearson Honoured

ON Friday afternoon last, Mr. Barsee Rustomjee gave a teaparty in honour of Messrs. Andrews and Pearson at his premises at 110 Field Street, the occasion being the departure for Maritzburg of the Rev. Andrews. The tables were tastefully arranged for some three hundred guests. The leading members of the community were present, as also over fifty Indian ladies including the ladies recently discharged from gaol. There were also present the Rev. Baillie and Mrs. Baillie, Rev. Strong, Mr. and Mrs. Bird, Rev. Mr. Hodson, Mr. Kallenbach, Mr. and Mrs. Polak, Mr. and Mrs. West, Mrs. Pywell and Miss West. After refreshments had been partaken of, Mr. Rustomjee garlanded Messrs. Andrews and Pearson and presented them with bouquets, while Mrs. N. Pillay, as the oldest among the women ex-prisoners, was also presented with a bouquet. Mr. Rustomjee then said that he was grateful to Mr. Andrews for having accepted his invitation and allowed the reception to take place, notwithstanding his recent sad bereavement, and the community was very grateful to Mr. Andrews for having permitted that function and thus responded to the affection which the whole Indian community of South Africa bore towards him. Mr. Rustomjee had watched with a great deal of interest the work which both Mr. Andrews and Mr. Pearson had been doing, ceaselessly undergoing all kinds of trouble, in some cases even insults, for the sake of those whose cause they had come to espouse, and the whole Indian community was grateful to them for that and to Mr. Gokhale for having sent two such precious jewels. He felt that nothing would have deterred both these true friends of India from even incurring imprisonment for the cause, had that been their lot, and, as a matter of fact, both came when the last sensational arrest was effected, namely, the arrest of Mr. West, the Acting Editor of INDIAN OPINION. It was that arrest which had hastened their departure from India. At the shortest notice, they responded to the call and immediately made the cause their own. When we read in the papers of the great meeting which was held in the Punjab and at which an English missionary had given all his savings to the cause, the people here were staggered and wondered who that great and good missionary could be, and they were all delighted to find that he was no other than their friend Mr. Andrews, who, in the incredibly short time at his disposal had with his friend, Mr. Pearson, endeared himself to the Indian community; and the community felt that they had done more for it than the best of its passive resisters because the call for them had not been so necessary or so peremptory as it had been for Indian passive resisters. The speaker thought that he had done nothing in that little function and ceremony, but, such as it was, he hoped that both Mr. Andrews and Mr. Pear-

son would accept it as having come from the bottom of his heart, and that it was accompanied by all the wishes that he could give them. He wished Mr. Andrews a pleasant voyage and a pleasant time with his people in England and an equally pleasant time amongst the people whom he had made his own in India, and hoped that both these friends would be spared for many a long year to serve India which they had adopted as their home. He thanked all those present for their attendance.

Mr. Andrews, in reply, speaking in Urdu and afterwards in English, thanked Mr. Rustomjee and Durbaa Indians for their kindly feeling towards him and the respectful consideration that they had extended to him in his sad loss, which they had lightened by making it their own. He had done so little to deserve their love and affection that they had lavished upon him. He would like to take them to his heart, to his arms in the fullness of his love for them. Two words he would like to add: One was of recognition of the great mother-love that the Indian women had bestowed upon him in replacement of the mother-love that he had lost. The other was of gratitude to the European community that had received him with unanimous kindness, courtesy, and helpfulness since his arrival in South Africa.

Mr. Pearson, in returning thanks, associated himself with Mr. Andrews' remarks, and added that, whilst agitating for the maintenance of rights, it was of the most urgent importance that the Indian community should maintain a corresponding sense of responsibility which he saw the passive resisters were discharging in such wonderful manner. Mr. Pearson was glad that he had been able to come to South Africa and study the question for himself. He thanked Mr. Rustomjee for his hospitality and Mr. Hodson for the great kindness he had shown whilst he was his guest.

Beautiful Indian Shawls were presented to the two guests by Mr. Rustomjee.

Mr. Andrews left the same evening for Maritzburg. He was seen off at the station by a large number of friends and a lusty cheer was given as the train steamed out of the station. The Rev. gentleman left Maritzburg on Sunday night for Ladysmith where he was to have stayed for a day leaving it for Newcastle yesterday. We hope to publish reports of his doings at Maritzburg and Ladysmith in our next issue. Mr. Andrews is due to leave Newcastle to-day reaching Johannesburg on Thursday morning. He proposes to leave that place on Friday morning for Kimberley which he is expected to leave for Capetown on Sunday by the Diamond Express reaching it on Tuesday morning. Our guest sails for England on the 21st instant. Mr. Andrews chiefly travels 3rd class on the railways except when for reasons of health or saving time it becomes necessary to depart from the

rule. During his tour it is his intention to live in Indian homes and study the inner life of the community.

Mr. Pearson with Mr. Kallenbach left for Newcastle on Monday last. They will pick up Mr. Andrews at Ladysmith. Mr. Pearson proposes to visit the coal mining area and meet our people at Johannesburg and Pretoria and then return to draw up his report. According to the present arrangements he leaves for India on the 23rd instant.

Master Manilal Gandhi is travelling with Mr. Andrews as his personal attendant, as Mr. Andrews is not keeping quite well has to break his journey at many places.

Mr. Andrews Further Honoured at Pretoria

Our correspondent reported the receptions held in Mr. Andrews' honour during the first week of his stay in the Capital of the Union. The following is a brief report of the functions during the second week of the rev. gentleman's stay in Pretoria. He was again feted by Mr. Haji Habib and a dinner party was given by Mr. Mangalbai V. Patel, the Chairman of the Bazaar Indian Committee, as also by the Kathiawad Hindu Mandal. At both functions leading Indians of the Bazaar as also of the Town were invited. The Khoja Young Men's Association gave a tea party at Mr. Chhaganbhai's premises and presented a cheque of £5 5s. for the Passive Resistance Fund. At the meeting held at Mr. Mangalbai Patel's house Mr. Andrews delivered in Hindustani as also in English a very interesting address breathing spiritual fervour.

An Earthly King and a Spiritual King

In the course of his remarks, Mr. Andrews said that at the present moment India had both earthly and spiritual kings who were popular and holy men. The earthly king was represented by Lord Hardinge, the present Viceroy of India. Lord Hardinge was a religious man. He was just and fearless and he ranked among the best men of the world. The Viceroy was ever solicitous about others. At the time of the outrage in Delhi, although he was suffering agony, his first inquiry after he came to his senses was about the ceremony of the day. He gave instructions that everything should go on as if nothing had happened to him. He was pained when he heard that the fireworks that were announced to take place the some evening were to be stopped and insisted that as they were the delight of the children, they should not be stopped on any account. The Indians of South Africa knew how warmly and zealously and fearlessly he had championed their cause and almost made it his own. Nor was Lady Hardinge less solicitous than her husband. She had specially deputed the speaker (Mr. Andrews) to organise a treat for the suffering children of India. Lady Hardinge's example had become infectious and the public spirited men of India organised a similar treat on the same day for all the other children. Some one had suggested that more money should be set apart for European children as their upbringing was different from that of the Indian children. Lady Hardinge would have none of this idea. Again it was Lord Hardinge who placated the Cawnpore Musalmans by restoring the demolished portion of the local mosque.

He then came to the spiritual king who was Gurudev Rabindranath Tagore. He was in the speaker's opinion the greatest thinker in the world of to-day. He was certainly the greatest poet of the age. The latter opinion was not only his own but it was also that of the best literary men of the European world as was evidenced by their awarding him last years' Nobel Prize (value £7,700) He swayed the heart of the millions by the spiritual power of his poetry. He spurned all worldly honour although it was all at his feet. When a deputation of the elite of Bengal waited upon him to do him honour on his gaining the Nobel

Prize, he reminded the deputation of a poem of his which considered a golden necklace as being too heavy a burden to bear. He wanted a garland of flowers—the real inward love of his people. Although he could command riches he was living a life of retirement. The loss of his dear wife and children was to him a time though of sorrow also of spiritual grace. He had established a school conducted on liberal lines where truly national ideals were carried out. It was situated on the Ashram founded by his late father Maharshi Debrendranath Tagore. Maharshi meant a great sage and truly the late Mr. Tagore was the greatest sage of his time in India. The Ashram was called Shanti Niketan (the Abode of Peace). And such it truly was. The speaker himself realised the greatest peace at this place and he had decided to work for the rest of his life at this Ashram. He had dedicated his life to India and he had learnt to love India largely through the influence of this great and good man. The speaker then recited amid perfect silence a Sanskrit verse given by the Poet-Saint for Mr. Andrews and the Indians as a message of peace amid their troubles. The verse was recited by Mr. Andrews first at a Durban meeting. It meant that God was the revealer of Truth and knowledge. He was without end, revealing His immortal form as joy. He was Peace, He was bliss. He was the One without a second.

Mr. Patel took Mr. Andrews a motor drive to Wonderboom.

Mr. Andrews on his departure from Pretoria was presented with a purse by the Dhoobie community to be used by him at his discretion.

Mr. Gandhi Interviewed

We print the following interview with Mr. Gandhi given to a representative of the *Rand Daily Mail* and printed in its issue of the 24th ultimo:—

"Now that the general strike troubles are practically over, the other big problems with which South Africa has to grapple are assuming again their true proportions. One of the most important of these is the Indian movement with its "five points that gave rise to passive resistance."

Yesterday a *Mail* representative asked Mr. M. K. Gandhi for a statement of the position at present. Mr. Gandhi—barefooted and clothed in white, an indication of the deep religious view now being taken of the Indian cause—has taken offices at 15, Anderson Street, where he is in touch with his countrymen in prison, and with the rest of the world by wire and cable.

"I hope," he said, "that the European public in South Africa will recognise the spirit in which the Indians are endeavouring to meet the serious deadlock that arose through non-representation of Indian interests on the Commission, and that they will also understand and reciprocate the attitude I am advising my countrymen to take up in connection with the allegations of ill-treatment."

"Our suspension of passive resistance, and our refraining from taking any action regarding the allegations should leave the public and the Government free to calmly consider the five points that gave rise to passive resistance on their merits, and which five points have, in my opinion, commanded almost universal sympathy. No reasonable man can question our right to have Indian marriages recognised as legal, or our right to have the three pound tax unconditionally repealed. The other points of passive resistance, as I have already stated, require only administrative solution."

"As you will observe from my letter, the points are exactly the same as they were enumerated in Mr. Cachalia's letter to the Government sent immediately before the revival of passive resistance last year."

"In conclusion," said Mr. Gandhi, "I would like to state that we appreciate the action of the Government in releasing the passive resistance prisoners."

Supplement to INDIAN OPINION,
4th February, 1914.

Babu Rabindranath Tagore
THE POET SAINT OF INDIA



गुरुदेव बाबु रबिंद्रनाथ टागोर
ह्रींदना कवीराज साधु

Our representative gathers that there will be no attempt to force the hands of the Government. The Indians will await the report of the Commission and the legislative proposals which will be placed before Parliament on that report."

From the Editor's Chair

THE £3 TAX LEGISLATION

WHATEVER else the proceedings of the Commission may effect, they dispose finally of all pretensions on the part of those hostile to the Indian community to maintain the £3 tax with any show of fairness. The evidence led shows that the tax actually results in compelling the vast majority of time-expired indentured labourers to re-indenture and resume their condition of servitude. In the case of the Crown Colonies, the Sanderson Inter-Departmental Committee condemned this system of re-indenture unequivocally, and the same reasons that appealed to that Committee apply with redoubled force in the case of Natal, where the compelling influence is the harsh and unbearable incidence of a diabolically devised tax. Mr. Marshall Campbell's bold and energetic defiance of those of his colleagues who plead for the maintenance of the tax was only to be expected from a man of so excellent a record as his on this question. He denied in unmistakable language that the indentured Indians, on coming to this country, understood what the tax implied, and the matter was clinched by the emphatic statements to the same effect by Sir Benjamin Robertson, on behalf of the Government of India. When the latter are positive that all their solicitous endeavours have egregiously failed to make the labourers understand the £3 tax legislation before they leave India, and the largest employer of Indian labour in the Province fully corroborates the fact of their ignorance from his wide experience of them, it is futile for the Chief Magistrate of Durban—who knows nothing beyond what he is told by interested parties—for or that weak and pliant instrument of the planters, the "Protector" of Indian Immigrants, to pretend that these labourers do know all about the tax before they reach South Africa. As Mr. Pearson said, in effect, in his very useful statement to the Commission, a contract entered into by two unequal parties, one of whom is absolutely ignorant of the principal elements of the contract by which he has bound himself, cannot be said to be morally binding upon the inferior contracting party even if it be legally valid, and the sooner the tax and its accompaniments are abolished, the sooner justice will be rendered to an innocent and injured section of the resident Indian population.

Sir Benjamin Robertson at Pretoria

During Mr. Andrews' stay at Pretoria Sir Benjamin Robertson came to Pretoria and he met at Mr. Haji Habib's house a deputation of over 20 prominent Indians. There were present Messrs. Tayob Hajee Khan Mahomed, Hajee Cassim, Cassim Adam Kala, V. S. Pillay, Gopal, Jeewa M. Barber, Babu Ralaram, Ali Ismail, P. M. Joshi, I. M. Joshi, P. Vyas, Mangal-bhai Patel, Khamisa, M. S. Padiachy, R. K. Padiachy, Jeewanbhai Khoja, Ayob Hajee Beg Mahomed, Narotam Asmal, Vithal Purshotam, Andrews, Gandhi and Hajee Habib. Mr. Hajee Habib stated the difficulties of the community. Sir Benjamin was accompanied by his Secretary Mr. Slater. Both these gentlemen together with Mr. Andrews were presented with bouquets.

The Indian Commission

This Commission has been sitting almost without interruption. We do not propose to give a resumé of evidence on the affray at Mount Edgecombe and Esperanza this being, in view of the altered circumstances, of little practical use. We therefore content ourselves with condensing the evidence on the five points of passive resistance. The first witness on these points was Mr. Polkinghorne, the Protector of Indians:—

The Protector in India himself explained the conditions of contract to the Indians, and so far as he knew the latter thoroughly understood the conditions before they embarked for Natal. When in 1901 the people became dissatisfied at the number of free Indians remaining in the country, it was enacted that those Indians who remained in the country after the expiration of their indentures, and did not re-indenture, should be subject to an annual licence. This condition was agreed to by the Indian Government.

The Chairman: There was to be nothing in the way of criminal proceedings if they did not—they could not be forcibly deported?

Witness: No.

It was understood that if at the expiration of their indenture they did not return and did not re-indenture they might remain in this country by the payment of this annual licence?

Witness: Yes.

Witness proceeded that a second deputation went to India in 1903, with the object of getting stricter terms, to make it more compulsory for Indians to return to India. The deputation was, he believed, not successful.

Asked to give figures as to the amounts collected in licences, the witness said in 1912 the amount collected was about £9,200, while the tax was due from 10,000 men and 6,000 women.

The Chairman: So that £48,000 was due.

Mr. Polkinghorne also stated that there had been a steady diminution in the amount collected in licences. In 1911 the amount was £20,000; in 1912, £14,000; and in 1913, £10,000.

In last session of the Union Parliament a Bill was introduced for repealing the tax on women and children, and the opinion of the Natal members was sought as to the abolition of the tax on men.

In another Act, it was enacted that girls of 13 years of age and boys of 16 should be liable to the tax.

The Chairman: Was it seriously intended that girls of 13 should be liable to the tax?

Witness: They are of age then.

The Chairman: I know; but was it ever enforced?

The witness: There has been a gradual relaxation going on for some years past.

Witness stated that if the £3 licence was not paid it was a matter for civil proceedings for its recovery, and he believed a man could be sent to prison for contempt of Court if he did not pay on the order of the Court. An Indian who had not been re-indentured here for a period could regain his right to a passage to India by indenturing again, and serving a further two years. An employer who employed an Indian who had not paid his licence was liable to a fine of £5.

The Chairman questioned the witness at some length as to the question of marriages, and he stated that a marriage contracted between two immigrants in India was recognised as valid in this country if it were registered at the time of entry into Natal.

The Chairman pointed out that many of these Indian marriages were polygamous marriages, and the witness stated that, as it was only right under the terms of the contract that the immigrants should have the same rights here as in India, the Act of 1907 was passed holding that marriages contracted in India and registered at the time of entry into Natal were recognised as legal in Natal, even if these were polygamous marriages but polygamous marriages were not allowed to be

contracted in Natal. A couple who wished could be married before leaving the depôt.

The Chairman: I understand that one of the things they want is that marriage officers should be appointed amongst their own priests to validate marriages. Are there priests who could be appointed as such officers?

Witness: I think so.

The Chairman: But they appear to have no objection to civil marriages, judging by the number which took place last year.

The Chairman mentioned that perhaps Mr. De Villiers might look into this question of the marriage laws, as this was just one of the points on which the Commission would like assistance from the Government.

Mr. De Villiers said he had not gone into these laws thoroughly, and he admitted they were rather difficult to construe.

In reply to the chairman, Mr. Polkinghorne said his interpretation of the law was that this registration was not only a proof of the fact that a marriage had taken place, but it actually validated the marriage in this country.

Mr. Esselen asked what would happen if a man went back to India leaving his wife behind, and came back with another wife. Mr. Polkinghorne replied that such cases were very rare indeed, and that if it were known at the time the man came into the country that he had another wife in this country, the second marriage would probably not be registered. But perhaps they would not know at the time that the man had another wife living. They did not, however, encourage men to leave their wives behind when they went to India.

Mr. O. Siedle, Chairman of the Natal Coal Owners' Society, attended to hand the Commission the minutes of the meetings of the Society during the period of the Indian strike, as there had been certain allegations made. The number of Indians employed on the Natal mines was 3,704 men.

Sir Liege Hulett, managing director of Sir Liege Hulett, Ltd., said that firm employed 3,000 or 4,000 men. Asked his views on the £3 tax, as regarded its repeal or otherwise, he said that at the time the agreement was made regarding the tax it was not supposed that women or children were subject to the tax; but a decision of the Law Courts made it applicable to them. This had caused dissatisfaction amongst the Indians and the employers, most of the latter thinking it unfair that this should apply to women and children.

The Chairman: Women and children enter into indentures as well as men?

Witness: Yes.

The Chairman: And the same clauses appear in their agreement?

Witness: Yes; but in applying for Indians we ask for so many men, and have to take as many women as they have in their families.

The Chairman: The Natal Legislature went further, and imposed a licence on women and children in 1903.

Witness: Yes; but then I take it the Legislature was wrong. If you ask whether I am in favour of the repeal of the tax, if you do away with one form of the agreement, what becomes of the other? This was put on the Indians so that they might not be compelled to go back. If you repeal the £3 you must compel them to re-indenture or else to go back to India, and if you compel them to go back it is against the Indian Government.

The Chairman: What is the position at the present time: they are not compelled to re-indenture, they cannot be forced back, and the majority of them do not pay the tax?

Sir Liege Hulett: If you repeal the tax there will be no re-indenture, and in two or three years' time you will have all the Indians in Natal free.

Further questioned, Sir Liege said the £3 used to be a large amount for the Indians to pay, but not so much now, as the wages of Indians had gone up cent. per cent. in the last two years.

The Chairman: I understand it is not enforced on women and children now?

Sir Liege Hulett: No; the Union Government should stop it at once.

In replying to Mr. Wylie, Sir Liege said he did not think the £3 tax had the effect of making Indians return—not generally. Its existence influenced Indians to re-indenture, particularly at the present time, because they could re-indenture at wages as high as in the open market. A good many free Indians entered into indentures, and more would do so as the population increased, as town employment would get less.

If they all became free Indians, would it make any difference in the number of Indians who re-indenture?

Sir Liege Hulett: There is a difference of opinion. Some say it will make no difference, but others say that if you repeal the tax, when they are out of their time they will flood the country with small farms, and compete with the Europeans of this country to a greater extent. Personally, I have no objection to Indians having a bit of land and trying to do the best they can with it; but still, if all these thousands went out of their indenture and bought up large tracts of land they would not be open to the ordinary labour market. This is what we have to look forward to.

The Hon. Mr. Marshall Campbell was the next witness, and he expressed opinion that the £3 licence ought to have been repealed some years ago. When this new contract was signed by the Indians in India they did not realise that they were signing a document different from that signed by the Indians who had come to Natal before; they did not understand that the contract was different from that which their friends signed.

The Chairman: But they were told the whole matter before they left India. Were they so ignorant that they did not understand?

Witness: No; although it was explained to them—they all acknowledge that—I don't think they understood. After they have finished their time they find that while their next-door neighbour is free they have to pay the tax, and this causes discontent. It is totally unbusiness-like; too. Some of them pay and some do not; in some magistracies they bring the women in, and in some they do not. It ought never to have been on the Statute Book.

The Chairman: You think it serves no good purpose?

Witness: Absolutely none, and only causes irritation.

The Chairman: The object is to induce them to return to India. It has had no effect in this direction?

Witness: Very little.

The Chairman: It has not induced them to re-indenture?

Witness: Yes; but then again I think it unfair to bring pressure to bear to induce an Indian to take work he doesn't want.

Asked if the repeal of the tax would affect employers, Mr. Marshall Campbell said it would, and he was one of those who would suffer most at first, but he believed that in the long run the kind employers would be all right, and the unkind ones go to the wall.

Replying to Mr. Wylie, the witness said he thought £3 was a heavy burden. He did not think it had much effect in influencing Indians to return to their own country, and lately it had not induced Indians to re-indenture. He believed on the Natal Estates Indians were re-indentured at the same rate of wages as free Indians. There were many men on the Natal Estates under indenture who had been under indenture before 1895.

The Chairman: Any general scheme, whether the payment of a tax or anything else, to compel these people to return is bound to fail, you think?

Mr. Campbell: I think so. I think this £3 ought to be repealed from the point of view of the general welfare of the community. It is an unfair burden on a section of the community.

Is there very much feeling as to this tax?

Mr. Campbell: There is now.

The Chairman: It has been worked up?

Mr. Campbell: To an extent. He added, however, an expression of opinion to the effect that redress of the grievance should not be withheld as it was an injustice.

The Commission then adjourned for the day.

On Thursday last, Sir Benjamin Robertson and Mr. W. W. Pearson gave evidence. We shall print Sir Benjamin's evidence duly revised and corrected, in our next issue.

Mr. Pearson said he was in educational work in India, and had come to Natal to gain first-hand information as to the grievances. He wished to give evidence in favour of the removal of the £3 tax, as he was convinced that the contract embodying the £3 tax was made between two parties, one of whom did not understand it. The coolie, when he left India, did not understand the significance of the £3 tax. The coolie was a child in intelligence, and he failed to understand how it could be explained to a person of his particular level of intelligence. The conditions of life were so different here. For one thing, he did not understand that the level of living was so much higher in Natal. He had been asking Indians why they struck, and they said, "About the £3 tax," but he found that until a few months ago these coolies knew nothing about it, or at least they did not worry about it until they realised about it, and then struck.

The Chairman: But I suppose they struck because they were put up to strike.

The witness said his second point was that the tax was collected unfairly, and if a tax were imposed it should be collected equally all round. It was chiefly the poorer white man who felt the necessity for these indentured Indians to be repatriated. The £3 tax having failed to achieve its object, he felt there was no solution but the voluntary repatriation of Indians.

The Chairman: What inducement would you offer?

Witness: I think there is no inducement but a money inducement.

The Chairman: Would they avail themselves of it?

Witness: It depends on the amount. I should not think a large amount would be necessary.

Mr. Wylie: What would you call a large amount?

Witness: £20 or £30.

The witness went on to say that he did not think the white population realised the benefit the Indian community were to the Colony. If the white people were sincere in their desire to get rid of the Indians, there was one clear way of inducing these people to return—to boycott them. The fact that they did not boycott the Indians proved that they needed them. He further objected to the £3 tax because it induced the Indian to re-indenture, and he regarded the indenture system as thoroughly bad, for one reason because it placed the coolie in a position of having absolutely no responsibility. The death-rate was very low, and the birth-rate exceptionally high, and that was one reason why the white people were afraid of the competition of this race in the future.

Mr. Esselen: Is that why they struck? (Laughter.)

The witness also contended that the fact that it was a criminal offence to refuse to work increased the criminal population of the country. He also thought there was not proper protection under the working of these immigration laws. Another thing which struck him was the percentage of women on the estates—in one instance he found that there were only 21 per cent. of women on the estate. This was one of his objections to the indenture system.

Mr. Wylie: If they came as free Indians, would that alter the percentage of women? Is it not a fact that in all countries to which people immigrate this holds good?

The witness also submitted that under the indenture system, children of 10 and 11 were indentured to work in the field for nine hours between sunrise and sunset.

The Chairman: I should be very much surprised to hear that employers considered children were indentured and expected to work nine hours a day. The fact that the children are named on the parents' indentures does not make them indentured.

Witness: They are practically indentured though they are not legally.

The Chairman: We will probably get this from employers of labour when they come before us.

The witness stated, in reply to the chairman, that he had talked with a great many Indians during his month's stay in Natal, and coolies to whom he had spoken had made complaints.

Mr. Wylie: If these Indians were so badly treated, can you explain why these Indians hang on here?

Witness: I have not said they were badly treated, but if they are badly treated and have any complaints to make, it is very hard for them to make any complaint, and to get redress. For example one case appeared in the papers in which an indentured Indian had been sent to gaol 14 times because he refused to go to his masters. On the 15th occasion he was again sentenced to 14 days. Witness contended that this did not look like adequate protection. Asked by Mr. Wylie what he would have done in such a case witness replied "I should change his master most certainly." In his experience in the Criminal Courts at Durban and Verulam, he had come to the conclusion that the indenture system placed the coolies in a disadvantageous position in regard to the administration of the law.

Mr. James Mackintosh, speaking as a former employer of coolie labour, said he had never heard of a coolie complaining of the £3 tax. He maintained that the movement was a matter of agitation on the part of the Arab population, who had never paid the tax, and never would have to pay, and that it was being used to stir up an agitation the ultimate result of which would be a demand for the franchise. "These people will never be satisfied—concede what you will—until they are placed on an equality with the Europeans." He thought it would be inimical to the interests of the country if the tax were repealed.

The next witness was Mr. Reynolds, of Reynolds' Estates, on the South Coast, where 1,908 Indians are employed. He said that in his opinion, if the £3 tax had been removed prior to this trouble, he would have seen no objection to it, but in view of the recent trouble, if it were taken off now, it would be a serious matter, because of its example to the natives. He did not consider it altogether a just tax, and prior to the higher wages now ruling it was a heavy burden. He did not think the removal of the tax would mean that the Indian would take up land to any extent, as large numbers of free Indians had a difficulty in making ends meet. As an employer, he preferred to have men under a contract, whether a civil contract or an indenture, so that he could have reliable labour.

The Chairman: Do you think there would be trouble with the natives if this tax were removed?

Witness: I feel certain. I hear on the very best authority that it was discussed just after the recent Indian trouble. If there were concerted action on the part of the whole of the chiefs in Africa, it would be a very serious problem for the Government.

The Chairman remarked that this was the first suggestion of possible trouble amongst the natives if the tax were repealed. Did the witness know any others who took the same view?

The witness replied that he did. Only that day he had had a long conversation with a magistrate and he had told him that on the eve of the recent trouble the natives had been discussing what it was all about. Natives had to pay a 14s. hut-tax, and there had always been grumbling about that.

Reverting to the question of Indian wages, the witness thought that the high wages ruling in Natal now would be a sufficient inducement to the Indians to re-indenture, even if there were no £3 tax.

The Chairman: Do I understand that children of

13 years of age are indentured and expected to work nine hours a day?

Witness: After a certain age children are given light work, such as hand-weeding. They are not given heavy work, but some light work, which they finish about 2 or 3 o'clock in the afternoon. These are the children of indentured Indians, not re-indentured Indians. The fact is the parents like to have them in the fields with them.

The Chairman: Are they indentured?

Witness: Yes.

The Chairman: But the fact that the parents enter into an indenture does not mean that the children are also indentured.

Mr. Reynolds: The parents enter into a contract on their behalf. They are paid by the field manager.

In reply to further questions the witness said the fact that an indentured Indian could not go more than a mile from the estate was not felt to be a restriction, as passes to go farther were never refused unless for a very good reason.

Mr. Wylie: What is your experience as to the children of indentured Indians not caring to work on the land?

Witness: Not unless they are educated, but you will find those who have been educated more highly do not care for manual work, but look for clerkships or positions in stores. Those who are not educated follow their parents as agricultural labourers, but those who are educated are not of the same value to us for agriculture.

Mr. Reynolds did not think there would be many Indians taking up land, as with the low price of mealies they now found it hard to make ends meet. He mentioned one instance of a number of Indians who were given the option of returning to India or taking up ten acres of land, and he noticed that now practically all this location had been abandoned.

(To be continued)

Great Meeting at Bombay

(Continued)

Sir N. G. Chandavarkar who was a Judge of the Bombay High Court and who now occupies the distinguished position of Chief Minister of the Indore State in the course of his remarks seconding the above resolution (see last week's I.O.) spoke as follows on the marriage question:—

Marriages which had been treated as legal have been set at naught as illegal in the name and under the ordering of the new law on a strained and ingenious interpretation of the expression "monogamous marriage." The practice had been before this Immigration Act to admit a woman married by a domiciled Asiatic according to the rites of his religion as his wife so long as she was his only wife in South Africa. The pledge given in 1911 was that that existing right would be maintained.

Example Of Legal Fraud.

But directly the new Immigration Act comes into force, the pledge is broken and the kind of wife I have spoken of is turned by law into a concubine on the ground that, as the woman was married according to the rites of a faith which allowed polygamy, the marriage was not monogamous. An eminent British jurist said some years ago that there was no such thing as "legal fraud"; that all fraud was fraud in the eye of law and there was no legal fraud as distinguished from other kind of fraud. But the South African Government has given us a concrete example of legal fraud, for when a Government promises to maintain existing rights under and by means of a proposed law and then tramples those rights under foot in the name of that very law by employing language to conceal its thoughts and break its faith, it is law legalising fraud. And the comic feature of the situation, —for tragic as the situation is, a question of life and death to British Indians

resident in South Africa—it has its humorous side—also, the comic feature of the situation is that these marriages are declared illegal because the Union Government professes to have a tender Christian conscience, in favour of monogamy. I have no doubt we all respect that conscience; we venerate the founder of that religion and his apostle who saw in marriage a spiritual fellowship of one soul with another soul. But what would the founder of Christianity and his apostle St. Paul have said to the South African Pharisees who in His name condemn as a concubine a woman, the sole wife of her husband, merely because the religion according to which she married allowed polygamy? If that is polygamy, with equal ingenuity and Pharisaism we might argue that a Christian marriage is polygamous because it is allowable to a Christian to divorce his only wife and marry another. (Applause).

Abomination of Law

I do not say this to catch applause and your appreciation but I put this consideration as one who has known law, who has practised law and who for twelve years has administered law. This is an abomination of law and I am justified in saying therefore that the Christians are as barbarous as we are said to be. And remember that those who treat us as pariahs to-day will be the pariahs of to-morrow and also remember that no one can treat another as a slave unless in God's providence he became a slave in turn, and if the ministers read their Bible not only on Sundays but every day they will find the Bible teaches that. England has been writing the New Testament every day but now South Africa wants to take away the pen from the hands of England and wants to revive slavery within British dominions. England has stood forth as a champion of freedom and a stern enemy of slavery and has written her name not only in the pages of history but also in the Book of Life but [the South African Government is now turning round and is driving the thin end of the wedge. This is not your cause, this is not the cause of your countrymen in South Africa but there is a large and a serious problem at the back and if this situation is tolerated, slavery will be introduced in the British dominions. The question is shall this situation be tolerated and how long shall it go on? The answer was given to India by her Christian Viceroy who presides over her destinies, and who, true to the British traditions, true to his religion, true to his God and true to man has spoken with heroic calm which has made his name a household word among us. May God speed him and the Imperial Government to save the Empire from the painful situation which will land the whole of the Empire in the worst of slaveries.

Indians On Trams

"The question of dealing with the coloured traffic is becoming increasingly difficult as the years go on," said Mr. J. H. Nicolson, Chairman of the Tramways Committee, in a conversation with a representative of the *Mercury*. The demands of the coloured population are naturally becoming greater as regards tramway facilities, just as they are becoming greater in other matters. I think it is only recently that any complaints could have been made by European travellers, though I don't admit for one moment that Europeans have been ousted by members of the coloured population. Such a thing may have happened on some exceptional occasion, but the whole European traffic has been satisfactorily dealt with; certainly no preference has been given to any coloured passenger. It is undoubtedly a problem that the authorities will have to consider very seriously before long. The provision of trailers has been recommended by some people, but from the experience of the authorities this would not meet the case so far as present conditions are concerned. Again, the provision of separate cars for coloured people has

been suggested as a remedy, but the relief afforded by this would be a negligible quantity, because in the present circumstances it would be impossible for the Corporation to set trams apart for coloured passengers, and compel them to ride in such trams. Any coloured passenger can board a car that is plying for public hire. If a passenger is excluded from any tram it must be for some objectionable feature, either on account of dress or general conduct. If a coloured person satisfies reasonable requirements in this respect, he is entitled to be carried, provided, of course, that he pays his fare."

Press Comments

We publish to-day, says the *Natal Mercury* of the 28th January, a fresh budget of correspondence dealing with the question of mixed European and coloured travelling on the borough's tramway cars. From these letters it will be seen that the existing state of things constitutes a grievance about which both residents and visitors feel very strongly. Their sentiment will not be mollified by the tone and the line of argument adopted by the chairman of the Tramways Committee in the statement appearing in our columns on Monday, and in the short speech he delivered at the Town Council meeting on the same afternoon. Mr. Nicolson remarked, in an apparently deprecatory manner, that the question is one that crops up periodically, and he endeavoured to impress upon burgesses the difficulty and the expense of applying a remedy to the case. We do not know if Mr. Nicolson was expressing his reasoned personal views, or acting merely as the official mouthpiece of his colleagues and of the Department. In either case, his apology for the delay in taking the question will not convince the intelligent citizen. The fact that the complaints made in the past have had to be reiterated and emphasised merely suggests indifference or dilatoriness in some responsible quarter. The offensiveness of the system under which Europeans and coloured people jostle against each other, and are crowded together on the cars traversing the main routes to the suburbs and the Point line, is felt by both classes of passengers. We believe that many of the Asiatic and native travellers would welcome the provision of separate facilities no less than the Europeans. The chief complainants in regard to existing conditions are naturally the European travellers. The reasons for their protests are so well known that it is unnecessary to enlarge upon them. It is enough here to refer to the letters we have received, in which the various evils and dangers are catalogued. The Tramways Manager, we are glad to note, has been instructed to prepare a special report on the subject. The idea that finds most favour with our correspondents is the running of separate cars for Europeans and coloureds, while some have suggested trailers for the coloureds. As to the first expedient, Mr. Nicolson says it is impossible in present circumstances to set cars apart for coloured passengers, and compel them to ride in such cars. If there is any existing legal difficulty in the matter, it cannot be a difficulty that is insurmountable. We have separate rikshas for Europeans. On the railways there is no difficulty, about providing separate accommodation for European and coloured passengers. Subject to correction by the Tramways Manager, we do not believe there is anything in Mr. Nicolson's argument regarding the financial cost of the reform for which our correspondents agitate. If the coloured traffic is increasing so greatly as Mr. Nicolson states—and the increase is apparent enough to users of the tramways—an arrangement by which there would be one car less for Europeans within a given period on the routes in question, while one car would be allotted to coloured people, would seem an easy way of solving the problem. This would not mean an additional number of car journeys, but simply a redistribution of the traffic. However, as some of our correspondents have said, it is the business of the Tramways Department and the Corporation to find the way out of a difficulty that has really become a scandal. We hope the matter will not be allowed to rest until

the proper authorities are spurred to the action demanded by the overwhelming majority of the people who patronise the tramways, and who are entitled to insist that the service shall be run with due regard to their health, convenience, and self-respect.

The Press on the Agreement

The *Transvaal Leader* comments as follows —

The correspondence between Mr. Gandhi and the Secretary for the Interior, which was published yesterday, affords a welcome indication that the long-standing Indian trouble is on the verge of a satisfactory settlement. Mr. Gandhi is to be congratulated on the much more reasonable and conciliatory attitude he has adopted towards the Government. He has withdrawn the threat of a revival of passive resistance, and has pledged his word that he will advise his countrymen not to hamper the labours of the Commission by any active propaganda, pending the result of the Commission and the introduction of legislation during the forthcoming session.

As regards questions of policy, Mr. Gandhi has announced that, since the Government has recognised the principle of consultation by according him an interview, it will be possible for him and the other Indian leaders to assist Sir Benjamin Robertson, who has been deputed by the Indian Government to give evidence before the Commission. The work of the Commission has therefore been considerably simplified, and it is to be hoped that its recommendations on the subject of Indian grievances will be placed before Parliament with the least possible delay. It is of the utmost importance, in the interests both of South Africa and the Empire, that a final and satisfactory settlement should be reached during the forthcoming session. The path towards such a settlement has been considerably smoothed by the more reasonable claims which are now being put forward by the Indian leaders, and public opinion has arrived at a fairly accurate judgment as to what claims can, and what cannot, be granted. It is fairly certain, for example, that the repeal of the £3 tax will meet with general approval. A slight alteration in the marriage law will also be necessary to meet the impossible situation created by the recent judgment. It should also be possible to meet the Indians as regards the right of entry into the Cape and the Free State, since it is understood that no demands are being made for any alteration of the existing law in this respect, but merely for a slight administrative re-adjustment. The issues, in fact, have become narrowed down to a point at which a general agreement has become possible, and the Commission should have little difficulty in arriving at a settlement which will be satisfactory to all parties. The only trouble to be feared is from the feeling which may be stirred up by the extremists on either side. If that can be avoided, there seems to be no reason why the forthcoming session of Parliament should not see the end of this troublesome and dangerous controversy.

"Pretoria News"

The correspondence between General Smuts and Mr. Gandhi is delightfully characteristic of the "Grey Cardinal" and the ascetic exponent of Buddhist philosophy who leads the Indians in South Africa (says the *Pretoria News*).

In the words of Lord Milner it might be found a little irritating by a plain man, but to those of us who are used to the diplomacy of Meintj's Kop and the philosophy of the Bazaar, the correspondence presents no serious obstacle to a fuller understanding.

It will be remembered that Mr. Gandhi, with instinctive reverence for the cause which he represents, found it too holy in his eyes to be confused with the revolutionary issues set up by the egregious Mr. Poutsma. Furthermore, he had the understanding of a chivalrous opponent who would not attack when his enemy was in extraneous difficulties, and so quite voluntarily, and

speaking to the Editor of this paper as to a self-appointed plenipotentiary of the Press, he undertook to cease all strike operations pending a solution of the Railway difficulties.

This must be accounted unto his salvation.

But Mr. Gandhi has gone further than that; he has undertaken to await the findings of the Indian Commission now sitting. He cannot bring himself to give evidence before that Commission since he has publicly pledged himself against it, and has made the matter one of religious sentiment; but as we understand his position, he will lay his points before Sir Benjamin Robertson—a particularly capable bureaucrat from India—and so the Commission will be indirectly possessed of his points of view. The Government, on the other hand, has conceded the release of coolies arrested for striking, and the allegations of ill-usage and brutality are to be waived.

Here then is every prospect of an amicable and peaceful solution of the Indian question.

We are not quite out of the wood; but at any rate light breaks in, and a broad roadway is visible.

Both General Smuts and Mr. Gandhi are to be heartily congratulated by South Africa, for South Africa has troubles enough without complications of this sort, which, small though they may seem to us, are of enormous Imperial importance.

"Rand Daily Mail"

"A month ago the controversy between the Government and Mr. Gandhi was watched with a great deal of interest, for the threat of a big passive resistance march from Durban to Pretoria was held out. Then the recrudescence of industrial unrest swept other subjects into oblivion as far as the general public was concerned, and the country lost sight of the Indian trouble altogether. But the interval has not been without its advantages. It has led to some sort of peace being patched up between those old opponents General Smuts and Mr. Gandhi. Both gentlemen are popularly believed to be experts in the gentle arts of splitting hairs, and the two letters published yesterday are masterpieces of subtlety in correspondence. But beneath the cautious sentences, and reservations, and explanations, one discovers evidence that a truce has been declared which will materially simplify and shorten the work of the Indian Commission. At one time it looked as if the Commissioners would be engaged for weeks, and perhaps months, in hearing evidence upon the charges of ill-treatment and harshness brought by passive resisters against officialdom. Now, however, all this has been cut away, and the Commission will be able to deal at once with the grievances of the Indians. Mr. Gandhi says that no evidence bearing upon such allegations will be laid before the Commissioners. And General Smuts pleasantly replies that that being so, no evidence refuting such allegations will be allowed to delay the progress of the major investigation. Nearly the whole of that phase of the controversy is to be tacitly dropped. Neither the Commissioners nor the public are very anxious to see days upon days spent in hearing charges and counter charges, and the truce comes as a relief. But the Government has acted wisely in reserving its right to ask the Commission to investigate the occurrences which resulted in loss of life at Esperanza and Mount Edgecombe. It would not be fair to the police and officials in Natal to permit the entire matter to drop. Strongly worded cables containing most serious allegations were circulated all over India and England. They roused a feeling of bitterness against South Africa. A general denial followed, but, as specific charges were made in connection with certain incidents, it is only right that the Government should place rebutting evidence before the Commission as far as the most serious cases are concerned. No elaborate investigation may be needed in the changed circumstances, but it would be unfair to allow the cabled allegations to stand unchallenged.

As far as the general question of Indian grievances

is concerned, the correspondence discloses a spirit which should enable a final and satisfactory settlement to follow the report of the Commission. The Indians will have the advantage of the presence of Sir Benjamin Robertson, a high Anglo-Indian official, at the sittings of the Commission, and his influence will be considerable in making clear points upon which Mr. Gandhi's followers lay special emphasis.

These are the main points which will occupy the attention of the Commission now that the minor charges made during the Natal trouble have been dropped. In view of the more reasonable spirit displayed by the passive resistance party, it should not be impossible for a lasting settlement to be arrived at.

We believe that the Government is desirous of disposing of the whole business once and for all.

There is evidence here of a desire to arrive at an effective compromise and to carry it into law within the next few months. If the Indian passive resisters will consider the position quietly as it affects their welfare in South Africa, and not be excited by the utterances of political extremists in India, who are simply using South African grievances in order to harass the British Government and bolster up their own agitation, we believe the coming Session will see the end of the Indian trouble in the Union for many a year."

News in Brief

Mr. R. G. Chetty, the Acting Secretary of the Port Elizabeth Indian Association, has forwarded a cheque for £12 4s. for the Passive Resistance Fund.

Messrs. Pragji K. Desai, S. B. Medh, and Bhaga, prominent passive resisters, were discharged at Durban last week, upon the expiry of their sentences.

Among the New Year's Honours are a K.C.S.I. for the Hon. Syed Ali Imam, Law Member of the Government of India, and a C.I.E. for Rao Bahadur R. N. Mudholkar, President of the 1912 Indian National Congress.

We have pleasure in issuing to our readers this week a supplement containing the photograph of the revered and world-renowned Indian poet, Babu Rabindranath Tagore, who has recently received the Nobel Prize for Literature, and upon whom has been conferred the degree of Doctor of Literature of the Calcutta University.

We regret to announce the death of the Hon. Mr. Justice P. R. Sundara Iyer, of Madras, from diabetes, on December 21st, at the age of 55. He succeeded the late Hon. Krishnaswami Iyer upon the latter's appointment as a member of the Government of Madras. At the Madras Provincial Conference at Kurnool, in 1910, he devoted, as President, a large part of his address to the South African Indian question. He was a generous subscriber to the Passive Resistance Fund, and, before his elevation to the Bench, he was a vice-President of the Madras South African Indian League. We tender our respectful sympathies to his family.

Mr. Andrews was the recipient of cable messages of condolence from the Honourable Mr. Gokhale, the Honourable Sir Syed Ali Imam, Babu Rabindranath Tagore and Mr. Rudra, the Principal of Mr. Andrews' College at Delhi, which college was closed on the day of the receipt of the news as a mark of sympathy and respect. Several more messages were received during the week from all parts of South Africa. Mr. Andrews desired us to thank the numerous senders for their sympathy. He expects to leave Capetown for England on the 21st instant.