

Indian Opinion

PUBLISHED WEEKLY IN ENGLISH, GUJARATI, HINDI AND TAMIL

No. 8—VOL. XII. WEDNESDAY FEBRUARY 25TH, 1914. Registered at the G.P.O. as a Newspaper

PRICE THREEPENCE

THE VALIDITY OF RE-INDENTURES

IN our issue of the 14th ultimo we reported the case of an indentured Indian re-indentured to the Tongaat Sugar Company who had refused to work. Mr. Britter, who appeared for the man, raised a point of law that the contract of re-indenture was invalid *ab inito* as it was signed before a Magistrate, who, under the law, had no authority to attest such a contract. The Court upheld the contention and found the accused not guilty. This decision meant that all such contracts could not be enforced in Courts of law.

The same point was again raised in the Verulam Court on the 23rd ultimo in the case of an Indian employed by Mr. Daniel De Chazal, of La Mercy.

Mr. Burns, clerk in the Protector's office, produced a certified copy of the first indenture, proving that the man came under Law 17 of 1895. Now Section 4 of Act 14 of 1897 states that whilst a renewed indenture made under the provisions of Section 107 of Law 25 of 1891 may be signed before any Magistrate, those made under Act 17 of 1895 shall be signed in the presence of the Protector or Deputy Protector of Indian Immigrants, or any other officer *specially appointed* by the Natal Government.

It was on the strength of this Section that Mr. Britter objected to the certificate, it being attested by the Acting Assistant Magistrate of Verulam, Mr. McDonald.

The case was adjourned to the 10th instant when the Magistrate's (Mr. Matthews') appointment as Magistrate of Weenen and his appointment as officer specially appointed, were produced. The last appointment is simply addressed to "The Magistrate, Weenen." Mr. McDonald's acting appointment was also certified to.

There was also put in the following Government Notice, No. 615 of 1901:—"It is hereby notified for general information that the several Magistrates of the Colony have been appointed in terms of Act 14 of 1897 to be officers, in their respective divisions, to attest contracts of re-indenture of Indians made under the provisions of the Act No. 17 of 1895."

The Magistrate held that the contract was valid and sentenced the man to thirty days' imprisonment with hard labour, two previous convictions being proved against him.

Mr. Britter gave notice of appeal which is set down for hearing on the 26th instant at the Supreme Court, Maritzburg.

The Intention of the Legislature

We have hunted up the "Debates of the Natal Assembly" which contain the report of the speeches of the Prime Minister and others at the time Act 14 of 1897 was passing through the House.

Mr. HARRY ESCOMBE (Prime Minister) said: The Indian Government expressly asked that the protection of the Protector might be thrown over the Indians as regards their indentures. . . . The clauses are put in to meet their wishes.

This Bill has been sent to the Indian Trust Board who presumably take note of its provisions and terms and nothing has been said on this point. I admit that there will be inconvenience but it does not outweigh the objection taken by the Indian Government that there are too few formalities in renewing indentures under the new contracts. Let it be distinctly understood that all signatures must be given before the Protector or Deputy Protector. And the Protector must be sent round the Colony but this is not under our control alone. We have tried to carry the point as regards the Magistrates, but when the Act was sent to the Indian Government for their approval, they attached importance to this change which is now under consideration.

The law of 1895 provided that all indentures may be renewed before a Magistrate or the Protector and the Indian Government said: "We do not wish to interfere with the old indentures, but, having regard to the character of the new indentures, we do ask that these indentures should be renewed before the Protector to the intent that the immigrant may have a perfect freedom of choice in regard to his master, should he wish to change," and the representation was made so strong from the Indian Government that we have had their request embodied in an alteration of the Act. . . .

We think it better to contemplate that inconvenience (re travelling of the Protector) and provide for it than set ourselves in direct opposition to the Indian Government on a point of this kind where they are anxious to discharge their duty to their own people and are reasonable from their standpoint.

Mr. HENRY BINNS: I am not at all surprised at their (Government of India) expressing the wish that the Protector should act in their cases because we must always remember that the Government of India, although they do not appoint the Protector here, yet they do so in some places and they recognise the Protector as in some degree their agent.

PRIME MINISTER: Our great idea in dealing with this matter is to show a consideration for the conscientious objections taken on the other side of the water.

Perhaps we should say other officers appointed by the Natal Government. That will enable any officer to be appointed to deal with the difficulty and the Indian Government would not, perhaps, object to that as it puts the responsibility upon the Natal Government. I move the addition of the following words at the end of the clause:—"Or any officer specially appointed by the Natal Government."

The Soorzai Death Inquiry

(Continued from page 38.)

Dr. Nanji, sworn, stated that he was present at the post mortem on Soorzai. He had read Dr. Hill's report, and agreed with it. At the post mortem nothing impressed him except the brain. The blood vessels of the brain and the membranes were very much congested and there was a great deal of effusion in the ventricles. There was an old scar on the right side. That was the old lesion which causes hemiplegia on his left. He thought that death was probably due to congestion of the brain and its consequences. He could not tell what brought the congestion on. Excitement could bring on anything. To a strong man suffering from hemiplegia violent excitement would bring on another attack and thus accelerate his death. If the man was sjamboked severely it might bring on another attack. Assuming that deceased had been pushed down, got up and pushed down again and fell on his back that would be such undue excitement as would bring on another attack. From the examination at the post mortem, he could throw no more light except that the man suffered from congestion, which might have been caused by any excitement. He did not know which—the sjambokking the assault, the strike or the being sent to gaol—would be most likely to produce the excitement but he thought that the going to gaol would be the least likely to cause the excitement, but it was difficult to say which of the things would bring on the excitement. The scuffle and the sjambokking might. He would consider that a severe sjambokking might bring on another attack of hemiplegia.

By Mr. Dickinson: The abnormal conditions of the strike and being sent to gaol would not have much to do with it.

By the Magistrate: Congestion was due to excitement. There was no other cause to account for it. To put them in the order of their importance he would say that the scuffle, sjambokking, the strike and being sent to gaol were the causes. All would tend to shorten life. The assault brought on congestion which ended in death. After a fortnight the marks of a sjambok would have well-nigh disappeared. There might be a trace or there might not.

Iyamah sworn, stated that she was the wife of Soorzai and they were both indentured to the Phoenix Wattle Co., of which Mr. Todd was the Manager. On Thursday, the 27th November, 1913, at about 5.30 a.m., while her husband was standing near the doorway of their hut, Todd came up to him and said in the native language, "Why are you standing here and are not working" and before her husband could make a reply Todd pulled him outside, caught him by the arm and struck him several blows on the back with a sjambok. Her husband fell down and while he was on the ground Todd pulled him about several times, hitting and striking him with the sjambok. She cried and asked Todd to leave her husband alone. Todd spoke to her angrily and told her to get away. She was afraid and stood aloof. Todd then left her husband. She went to where he was lying and picked him up. Todd appeared very angry and said something which she did not understand and when he left he fired a revolver. Her husband had been paralysed on one side for the last three years and he had lost the use of his left arm.

By Mr. Britter: Under the coat he wore a coloured striped shirt. Her husband was not carrying a stick. Satigadu and Chengeyan also saw Todd assault her husband. Todd had the sjambok in his hand when he came to her husband. The native was holding the horse and not the sjambok. Her husband did not wave a stick in his hand when he saw Todd nor did he swear at Todd in Tamil. Her husband did not swear at Todd and did not alter his fall spring up and go at Todd with a stick. She had seen marks on her hus-

band after the assault—on his back. The sjambok had caused those marks.

By Mr. Dickinson: She was not the registered wife of the deceased, but was living with him. Her husband was hit across the back, buttocks and thighs. She inspected the wounds directly Todd had gone. There were many marks on his back, and about four or five on the legs. The marks were where there was no loin-cloth. She saw no kick marks. Her husband was kicked on the buttocks and on the back while he was on the ground. Todd hit her husband hard with the sjambok. On the thighs there were large wale-marks. The marks became reddish. Her husband's injuries were attended to by Mr. West. She remembered the day her husband left Phoenix for the hospital at Mount Edgecombe. There were still marks on her husband. The compounder at Mount Edgecombe saw them in her presence. When Mr. West attended to her husband's wounds, he gave her something to rub on them. It was something like oil. She could not say what it was. When Mr. West saw the marks, they were just the same as she had seen them just after the assault. When he was taken to Mount Edgecombe the marks were not the same, but there were some marks there at the time. A good few could be seen on the back and the legs.

Satigadi, sworn, said he knew the deceased Soorzai. Witness was a free man. His indentures to Todd expired about three months ago. About two weeks before Soorzai's death, he saw Todd assault Soorzai. It was raining that morning. All the Indians were in the barracks. They had not gone to work. They were waiting for the rain to go off. A policeman named Egambaram ran to the place where roll-call takes place. Shortly afterwards Todd came to the barracks on horse-back. He got off and handed the horse to a native named Umhlasanani, and assaulted a Calcutta man named Sadhal with a sjambok, who ran away. He assaulted another man named Dukapagadi with the sjambok. He then went to the deceased. Todd pulled Soorzai out of the hut and thrashed him with a sjambok. He shoved him on the ground and struck him several times on the back. He then left him. When going away and when about seven yards from the place where witness was standing, he fired a revolver into the air.

By Mr. Britter: Soorzai did not carry a stick. Soorzai did not use strong language. He was not true that Todd had no sjambok. Mr. saw Todd had the sjambok in his right hand and the pistol in his left. Soorzai's wife was there. Soorzai could not run at all. He walked with the assistance of a stick. Egambaram was not there when Soorzai fell. The native could not have witnessed the assault. He was at the top of the barracks holding the horse. He could not see. Witness and Soorzai's wife were the only ones who witnessed the assault. He knew a man named Ramlal Naidoo; he was not there.

By Magistrate: Witness saw the blows being delivered with the sjambok all over the back and on the right thigh. He could not say how many blows were delivered. He did not examine the wounds then. He saw them at the INDIAN OPINION Settlement the same day. He lifted up the shirt and found marks. The skin had been broken in about three or four places on the back. There were some wale marks on the leg, about the breadth of his two fingers. The skin was not broken on the legs. There was a little blood on the shirt. There was no ditch where the assault was committed, not even a slope; all the ground was perfectly flat.

Ramlal Naidoo, who was sent by Mr. Todd to give evidence, said he was indentured to the Phoenix Estates. He worked for Todd. He knew Soorzai. He remembered the day on which there was trouble between Todd and Soorzai. He saw what happened. Todd came to the barracks and asked all the Indians to go off to roll-call. Some of them had gone and some were standing about and Todd came and told them to go. Those who were standing there he caught

and pushed. They all went away. Then Todd went along the other barracks where Soorzai lived. Soorzai was standing there. He pushed Soorzai, saying "come to work." Soorzai was standing outside his house. Soorzai turned towards Todd. He had a stick in his right hand. He turned round and looked at Todd. Todd pushed him again. Soorzai was excited at the time and used abusive language, while the Indians were going to work, telling them to remain in. When Soorzai was pushed a second time he fell down. He did not see Todd strike Soorzai with anything. He merely pushed. Todd did not have a sjambok in his hand.

From the Editor's Chair

IN MEMORIAM

In another column we record the lamented death of yet another martyr to the passive resistance cause. Miss Valliamah Moonsamy, a young lady not yet in her twenties, was one of those devoted Indian women who sought imprisonment in protest against a marriage law that dishonoured her parents' marriage and cast a stigma upon her own birth. Her sudden and unexpected demise, two days after her return home, holds in it all the elements of tragedy. We mourn the loss of a noble daughter of India, who did her simple duty without question, and who has set an example of womanly fortitude, pride and virtue that will, we are sure, not be lost upon the Indian community. We tender to her family our most respectful sympathy.

FAREWELL

On Saturday last, Rev. C. F. Andrews left for England by the R.M.S. *Briton*, and to-morrow, Mr. W. W. Pearson returns to India by the s.s. *Umvosoti*. Indians throughout South Africa will grieve to lose two such devoted friends who have endeared themselves to all with whom they have come into contact during their stay in this country. By their tact, good sense, ardent sympathy, and love for India and their own race, they have been able, in the short time that they have spent in this country, to grasp the Indian problem here more thoroughly than most of those who have spent a life time in South Africa, and they have, we are sure, done much to bring about a better understanding between whites and Indians in the Union. They have given of the best that is in them for our sake; they carry with them the hearts of South African Indians, who wish them godspeed in the work they are now to take up. The sway of the Indian wizard, Rabindranath Tagore, who has charmed the world and remained an Indian, is upon them both, and they will leave their impress upon the minds and characters of the Young India that will, a decade or so hence, be moulding the national future of the Motherland. To them, who have brought to South Africa the message of peace, we say: *Shanti! Shanti! Shanti!*

CHEAP LIVING?

A HUMORIST in the *Natal Mercury*, who conceals a regrettable anonymity under the pen-name of the "Man in the Moon," has recently delivered himself of a number of lunatical observations (we use the term in its Pickwickian sense, of course) on the subject of the Indian inhabitants of Durban. We are told by this sapient observer that "the burgesses are being led to realise that they are in for a tremendously heavy debt, out of all proportion to the white population, for it is the white population that pays the bulk of the taxation, though the Asiatics use our trams, our water-supply and all the other amenities of civilisation

at a minimum of cost to themselves." This is evidently another tragic example of the white man's burden. We had always understood that the spirit in which that burden should be shouldered by the lord of creation was one of uncomplaint. Apparently we were wrong. Our observer from the satellite, being so distant from the scene of action, has, seemingly, never heard of an Indian paying rates the same as a European landlord. Nor does he seem to have heard that the Indian pays for his tram rides, his water-supply (it is, apparently, admitted that he does use the water-supply), and "the other amenities of civilisation"—telephones, public roads, etc.—with the same coin of the realm as the European. This gentleman ought to know that the Indian pays his tram fare at the same rate as the European user and gets less value for his money, that the Indian rate-payer is forbidden altogether the use of the public-baths and recreation grounds; and that the Indian quarters of the town are a disgrace to the Municipality because of their ill-paved condition. Our friend from the Moon also forgets the immense sum, brought into the Municipal coffers by the Indian Market, for which a quite inadequate return is received directly by the Indian community. But what he forgets most of all is that it is an economic axiom that the man upon whom the burden of taxation originally falls rarely bears it himself, but passes it on until it falls finally upon those of the poorest condition and who can yet be squeezed into carrying it. It is a self-evident fact, we think, that the Indian section of the population of Durban is far less wealthy than the European, and the financial burden that it bears, directly and indirectly, is therefore much greater than that of the European section, much of whose vaunted expenditure is really disbursed by and on the squalid Indian of the lowest class mainly for the protection of the white population. We can only rub our eyes at this playful attempt to create race-friction of a peculiarly insidious type, and suppose that, after all, it is nothing but what we might reasonably expect from such a quarter—mere moonshine!

Untimely Death of a Young Passive Resister

It is with extreme regret we announce the death of Miss Valliamah, the eldest daughter of Mr. R. Moonsamy Moodaliar of Johannesburg, on the 22nd instant at Johannesburg, after a prolonged illness in gaol. It appears that she was taken to bed immediately after her conviction, and also after her release was suffering greatly. The late Miss Valliamah was born in Johannesburg in 1898 and attended the Government School. She joined the passive resistance struggle on the 29th October last and proceeded to Newcastle with a party of ladies. She afterwards rendered assistance at Charles-town, Dundee, Ladysmith, Dannhauser, Maritzburg, Tongaat and Durban. She eventually re-crossed the Transvaal border and was convicted, with her mother and others, at Volksrust on the 22nd of December 1913, to three months' imprisonment with hard labour and was discharged on the 11th instant in terms of the Provisional agreement.

Her father is one of the pioneer Indian settlers of the Transvaal. He was once in gaol as a passive resister and during the last campaign was very ill and only came out of the hospital, where he underwent an operation, recently. We share the sorrows of the parents and express our deepest sympathy at their irreparable loss.

Lord Ampthill Again Speaks Out

Lord Ampthill, speaking on the 28th ultimo at the United Empire Club on the Indian problem in South Africa, said that it was one of vital importance to the Empire (says the *Times*).

This question was not one of a mere strike for the abolition of a £3 poll tax in Natal. The real origin of the controversy was to be found in the year 1858, when the memorable proclamation of Queen Victoria to the people of India established for them the charter of their rights and their liberties. The Indians of South Africa were not agitating for votes or for equal political rights with the white inhabitants of South Africa, but were only asking for that which had been actually promised to them, not only by the British Government but by successive Governments in South Africa. If British subjects were ill-treated in a foreign country we should demand that their wrongs were righted and would enforce that demand with Dreadnoughts and troops, and we should certainly prevent one of our partners from doing irreparable damage to the Imperial concern. It had been urged that the solution was to be found in deporting the Indians and helping them to colonize elsewhere, but the Indians in South Africa did not want to go, and they had every right to stay there. They had more right than some of the cosmopolitan riff-raff who received an undue welcome there. The colony of Natal would have been impossible without Indian labour in the fields and in the mines.

With regard to the present situation, after 12 years of persistent appeal, patient endurance of suffering, passive resistance, and heroic self-sacrifice and repeated disappointed hopes, an arrangement was made between the Union Government and Mr. Gandhi, the high-minded leader of the Indian community, and if the Union Government had faithfully carried out their part of the agreement the trouble would have been at an end, but they did not do so. It was agreed (1) that legislation should be passed in the following Session repealing the obnoxious Act of 1907; (2) that there should be no racial bar in any future legislation; (3) that existing rights should be maintained; and (4) that there should be an amnesty for passive resisters. The promised legislation was not passed till last year, and then it did not fulfil the two essential conditions of the compact—removal of the racial bar and maintenance of existing rights. The Immigrants' Regulation Act, moreover, prejudiced the rights of Indians and brought about a new grievance in failing to recognize the validity of the marriages of Hindus and Mahomedans. The poll tax was always oppressive, and it was promised that it should be repealed. That tax was required simply as an instrument wherewith to drive back the coolies into indenture. He reminded them of the public spirit displayed by the Indians when they refrained from taking part in the strike which took place on the Rand some time ago. They were not, he said, contending for material advantages but for a high ideal—the honour of their race. The position at the present moment was that a *modus vivendi* was being maintained, pending inquiry into the origin of the disturbance, and all we could do now was to wait patiently for the report of the Commission in the hope that it would lead to a fair solution of the problem. There had been scandalous mismanagement of this question during the past 14 years, which had led to widespread indignation throughout the length and breadth of India. If there were much delay in the settlement of the question, there might well be a dangerous agitation in India which would be fraught with the gravest peril. The South Africans were a virile race and had a virile way of managing affairs as we had seen during the past few days. What they wanted was straight talk from the Imperial Government. The people of this country had not the faintest idea what this question meant to them nor how completely it

was within their right that it should be settled with justice, and immediately.

India, from every point of view, was worth more to us than South Africa, and if it were a choice between offending India and offending South Africa there could be no shadow of doubt which alternative should be chosen; but there was no need to offend either if wiser and fairer counsels at last prevailed. The real enemies of the Indians in South Africa were not, for the most part, Englishmen or Boers, but the cosmopolitan class of aliens of whom we had some knowledge even in the heart of this great metropolis—people who repaid the protection and excessive hospitality they enjoyed under the British flag by bringing discredit upon the British name. It only required a little statesmanship to bring about a just settlement of this vital problem of Empire.

Rangoon Protest Meeting

Under the auspices of the South African Indian Committee of Burma, a public meeting was held on the 13th December last in the Surati Madrasa Hall in Mogul Street, to consider the situation of the Indians in South Africa. There were present: The Hon'ble U Hpay, A.T.M., K.S.M., Member of the Legislative Council, the Hon'ble Mr. M. Cowasjee, U Du Wun (First Additional Magistrate), U Ba Thein, (Barrister-at-law), Dr. Parakh, Dr. Duarte, Dr. Rajan Messrs. V. Madanjit, P. J. Mehta, (Hon. Secretary) and several others.

The spacious hall was packed and the meeting commenced with the election of the Hon'ble U Hpay to the chair.

The Chairman said: "I am glad that this opportunity has been afforded to me of rendering some service in a cause which is common to all loyal subjects of His Most Gracious Majesty the King-Emperor. It is with mingled feelings of pain and pleasure that I approach the question of the hour—pain, because it is not in human nature to fail to sympathise with the sufferings of others; pleasure, because like the silver lining to every cloud, there has appeared, amidst all the travail and tribulation, a strong ray of hope for the future, a promise of deliverance coming from one whose name will go down to posterity as the most humane, and at the same time the most human, Viceroy the Empire has ever seen. Our fellow-subjects in South Africa are suffering for a principle, the principle of equality and liberty, and I maintain that it is the duty of every thinking person to help in the vindication of such a principle. For that purpose are we assembled here to-day. That we may, by a united expression of our wishes, respectfully, loyally, yet firmly, urge such a consideration of the various problems that have arisen as will lead to the general happiness of the entire body politic."

Mr. B. Cowasjee proposed the Second Resolution, which read: "That this meeting records its profound disappointment at the failure of the Imperial Government of Great Britain to utilize the various opportunities that it has had to secure the barest justice and most elementary rights of citizenship to His Majesty's Indian subjects resident in South Africa and at their sanctioning the recent Immigration Regulation Act with the most objectionable marriage and other clauses therein, thereby indirectly attacking their religion, the full enjoyment of which has been solemnly guaranteed to them in every part of the British Empire, and violating the principles laid down in the Proclamation of 1858, as well as the distinct pledges given to the Indian community through Mr. Gandhi by the Government of the Union of South Africa at the settlement of 1911."

This resolution, which was seconded by Dr. Mehta and supported by Maung Saing, was then put to the meeting and carried unanimously.

Mr. Channing Arnold, in supporting this resolution, spoke of English sympathy for the Indians in this

trouble. The Indians, he said, had the sympathy of the Press in London and all England, and the sympathies of those whom they had never seen. Their splendid Viceroy, as well as all honest Englishmen, felt a burning sympathy for India in the present trouble.

The Third Resolution, proposed by Mr. Bijapurkar, read:—

"That this meeting desires to place on record its deep appreciation of the brave and noble stand that the Indian community is making in South Africa in order to secure the removal of the racial bar and other defects in the recent legislation, as well as the removal of the most iniquitous £3 tax on ex-indentured Indians and their descendants, and expresses its warmest admiration of the patriotism, courage, self-restraint and self-sacrifice displayed by the community in spite of the most exasperating circumstances in which the authorities place them, and its condemnation of the harsh, illegal and even barbarous methods employed by the Government in dealing with the most harmless of men, viz., the present passive resisters of South Africa, who have been struggling so long to extract the barest justice from their unwilling hands."

Mr. Auzam seconded and Mr. Coatwala, supported. It was then put to the meeting and unanimously carried.

U Ba Thein then proposed the Fourth Resolution, which ran:—

"That this meeting express its warmest gratitude to His Excellency the Viceroy for his masterly speech at Madras on the question, and his statesmanlike attitude towards our suffering compatriots in that country, and prays that he will continue to exercise his influence in bringing about a speedy amelioration of the deplorable position in which our fellow-countrymen are placed, in getting a searching inquiry into the allegations of brutal behaviour, resulting in deaths, against the authorities through an independent commission, duly represented by Indians, and in adopting such retaliatory measures as would show the great indignation of the people of this country at the manifold wrongs inflicted on our countrymen by the authorities of South Africa; and that similar retaliatory measures be adopted against Canada and other Colonies where our fellow-countrymen receive differential treatment from that meted out to the other subjects of His Majesty, the King-Emperor; that all India was under a deep debt of gratitude to Lord Hardinge for his efforts on behalf of their brothers and sisters in South Africa."

This was seconded by Mr. V. S. Sivaya.

Dr. Rajan, in supporting the resolution, said that they were fighting for a thing which would be a credit to the history of India, and added the following amendment: "And, finally, no commission upon which an Indian or a representative of the Indian Government is not appointed will be satisfactory to the Indian people."

Mr. Madanjit, in supporting the Resolution, said that the situation was very serious if they looked at the struggle from a broader point. It was fraught with momentous issues involving the interests, the vital interests, not only of the hundred thousand people who were fighting their battle in South Africa, but also of their great and ancient country, their people and their very existence.

The resolution, as amended, was carried unanimously.

Appeal for Funds

Mr. P. P. Ginwala then proposed the Fifth Resolution which stated: "That this meeting offers its best thanks to the various subscribers who have so generously subscribed to the South African Indian Passive Resistance Fund, which this day amounts to Rs. 28,500 and expresses a hope that every public-spirited man in this Province will show his sympathy towards the movement and those who are carrying it on by contributing his mite to it." He appealed to his audience to support the fund.

Mr. V. Singha seconded and Mr. Sadat Ally and Mr. Abdul-Gunny supported. It was put to the meeting and carried with acclamation.

Mr. G. C. Campagnac then proposed "that the Chairman be authorised to forward a copy of the foregoing resolutions to the Prime Minister, the Secretary of State for India, H. E. the Viceroy and Governor-General of India and the Local Government."

The time had come for them, he said, to make the Imperial Government feel that there was a public opinion in India on this question.

Mr. Noor Dadabhoy and Mr. J. Samuel supported and the resolution was agreed to.

The House of Lords Debate

(Continued)

Since October 22nd last, when we published the concluding part of Lord Crewe's speech our columns have been so taken up with urgent matters connected with the struggle that we have not been able to continue the report of this most important debate. We now hope to complete it.

EARL CURZON OF KEDLESTON: My Lords, although the condition of this House but imperfectly reflects the importance of the subject, I am sure your Lordships will agree that the discussion has been one of great weight and moment, and that each of the three contributions that have been made to it has contained declarations of much value and significance. The noble Lord who opened the discussion, Lord Amphill, made a very clear and forcible statement of the case, which he has often before championed with so much sincerity and vigour during the past seven years. The noble Lord on the Cross Benches, fresh from a successful career at Bombay, made, I think, a most powerful appeal, a legitimate appeal, on the ground of the feelings excited among important classes of the native community, not only in Bombay but throughout the whole of the Indian Peninsula. He addressed an appeal to His Majesty's Government to adopt a reasonable and a moderate attitude on this question which I thought was very praiseworthy in its argument and eloquence. And lastly, we have had the speech of the noble Marquess who leads the House. That speech was characterised, as are all the utterances of the noble Marquess, by a tone of sympathy, although I confess I rather doubted at moments whether that sympathy can have extended to some of the arguments which, out of loyalty, no doubt, to his own colleagues, he felt himself obliged to employ. There was a note of extreme candour about certain admissions in his speech to which I shall call attention, because practically on many of the issues he conceded the case made by my noble friend who sits behind me. In other parts of his speech there was a tone of apology which was equally significant, and if he ended on rather a doubtful note, there was, perhaps, in the concluding portions of his speech some message which may be regarded as one of encouragement to those who feel strongly on this matter, both in India and here. Each of these parts of the noble Marquess's speech I will venture very briefly to touch upon in the order in which they were delivered.

On one point I am quite in accord with the noble Marquess, that we must, of course, make allowance for the difficulties of Ministers of the Government at the Cape. They have difficulties, not only with the different States that form the Union, but they have difficulties with each other, or at any rate with those who have lately been united with them. For that an allowance must be made. I am sure the noble Marquess spoke no more than the fact when he said that both General Botha and General Smuts are actuated by a warm and sympathetic desire to settle the matter. I name those two statesmen in particular because I happen myself to have enjoyed opportunities, both in Capetown and when they were in England, of speaking to them on the subject, and I am certain that the noble Marquess did them no more than justice when he said that they were

desirous of arriving at an equitable solution. That being so, how much easier ought it to be for His Majesty's Government to address to them the appeals advocated by Lord Sydenham, and which I gather the noble Marquess himself conceives to be not impossible?

What is the case as it has emerged after the speech of the noble Marquess? I think it is a very clear and intelligible one. As Lord Sydenham told us, the field of controversy has been very much narrowed in recent years. The Indians themselves do not claim or desire more rights of immigration than those at present enjoyed. They do not claim rights of unrestricted immigration into South Africa. They have been prepared to surrender any feelings or desires that they may have had on that aspect of the case in order to get easier and better conditions of residence in the country itself. Therefore the ground of action has been very much narrowed—I think the phrase has been more than once used in this debate. But what I understand they do attach importance to now is the removal of what they continue to regard as unjust and humiliating disabilities, and what they resent is the idea of legislation pretending to be a settlement of the matter when it seems in certain respects to deprive them of rights and privileges which they already enjoy. That, I think, is a fair statement of the present position.

(To be continued)

Mr. Pearson at Johannesburg

On his arrival at Johannesburg, Mr. Pearson was received with enthusiasm by the Indian community, and was introduced to prominent members of the Hindu and Mahomedan communities. On the 8th instant, receptions were given by the different Indian bodies. The first meeting was held under the auspices of the British Indian Association in the West End Bioscope Hall. Mr. Hosken, Mr. Ritch, and Mr. Kallenbach were present. The Chairman of the meeting, Mr. A. M. Cachalia, thanked Mr. Pearson for showing such keen interest in the struggle and taking the trouble of coming over to this country that he might study the question on the spot. Mr. Jiwaji, Chairman of the Patidar Society, eulogised the work of both Mr. Pearson and the Rev. Andrews. The speaker afterwards referred to the temporary agreement and supported the views expressed in the correspondence between Mr. Gandhi and General Smuts. He then proposed the following resolution:

- (1) "That this meeting of the Transvaal British Indian Association hereby desires to express its recognition of the services to the Indians of South Africa by Messrs. Andrews and Pearson and tender to them their hearty thanks for having visited this country in their interests."
- (2) "This meeting hereby signifies its hearty support of Mr. Gandhi's provisional arrangement with the Government of the Union of South Africa."
- (3) "This meeting desires to dissociate itself entirely from the action of the Natal Indian Congress, especially in regard to the tendering of evidence before the Commission."

Mr. Ahmed Moosajee seconded the proposal, Mr. Moosa Ebrahim Patel, Mr. Hosken, Mr. Ritch, Mr. Kallenbach and Mr. Naranji supported the same and the resolution was declared as passed unanimously. At the request of the Chairman, Mr. Hosken, on behalf of the Association, presented Mr. Pearson with a gold watch and another was handed over to the guest for Mr. Andrews.

A reception was also given by the Patidar Society when an address, framed in silver, together with a gold watch and a silver clock was presented to Mr. Pearson. Mr. Gokaldas Laljee Patel, on behalf of the Hindu community, garlanded the honoured guest. Mr. Hosken, on behalf of the community, made the presentations.

Mr. Harcourt Lays Down "Principles"

In the House of Commons on the 12th instant, Mr. Harcourt (Secretary of State for the Colonies), in reply to the debate on the Labour Amendment to the Address-in-Reply, is reported by Reuter to have said that British citizenship was really a misnomer. It did not, in fact, exist. What did exist was British subject-hood, which entitled the possessor to the protection of his Sovereign through the Executive, but gave the individual no rights of entry to, or licence in, any part of the Empire if he attempted to violate laws which it was within the competence of the Dominion concerned to pass and administer.

Later on, Mr. Harcourt referred to the "so-called passive resistance" of Indians. He did not want, and he hoped the House would not endeavour, to discuss that matter, because a Commission was now sitting in South Africa, with the cognisance of the Indian Government and the assistance of a distinguished Indian Civil Servant, with, he believed, very good hopes of arriving at a settlement.

Mr. Harcourt eloquently concluded by saying that the Empire was held together by a silken cord. "Beware lest you twist that cord into a whiplash, for the crack of that lash will be the knell of your Empire. We created of our own free will these great free Parliaments and institutions which are wide-flung throughout the world. They are our constant pride and only our occasional embarrassment. Treat them with a broad mind and wide confidence, and we and they shall win through for all that is the essential basis of freedom and civilisation, but it is your toleration and your restraint which can alone proclaim your confidence and generosity, and which can alone maintain the good fellowship of a united Empire."

[NOTE: This has a fine sound about it, but one is entitled to ask: Does this toleration and restraint always lead to the winning of "all that is the essential basis of freedom and civilisation"? In the case of Indians and the Union Immigration Act, certainly not. And what, we may ask, does Mr. Harcourt mean by "so-called" passive resistance?—Ed. I.O.]

The Question of Competition

Mr. D. G. Owen, Chairman of the Ladysmith Chamber of Commerce, in his annual report, states:—

"In regard to Asiatic trading, it is most essential that European storekeepers in the town should be fully alive to the encroachment on the trade of this town by Asiatic storekeepers. The danger to the welfare of the white community and their posterity cannot be too deeply emphasised, and it behoves every business man in the town, in no matter what line of business, to "look to his guns," and see to it that he at least retains that business he now possesses. Gentlemen, the greatest danger we have to combat is apathy in ourselves, want of enterprise and application, and the general state of drift for which this country is noted. We must look facts in the face, meet competition with competition, and persevere until we can claim by right of conquest that which we have won through merit and effort. The licences that are held in this town we cannot take away without reason. These people were originally given the right to trade, and we have to abide, even if we suffer, by the decisions then made. We all know the difficulty of competing with those whose standard of living is on a lower level than our own, but I feel that we are not doing all that we might do. We are too apt to give in before we have started. Every week a considerable sum of money is circulated in this town through the medium of the railway employees. The business is here, in our midst, and yet we, representing as we do practically the whole of the European

business community, cannot but admit to ourselves that we are not getting our fair share of this business. Gentlemen, I feel it incumbent on me to urge greater effort, deeper application, and continued perseverance in securing and holding a bigger share of this trade than we now possess."

[NOTE: We congratulate Mr. Owen upon his manly recognition of what is due to the Indian trader and of what is the plain duty of the white store-keeper if he wishes to compete fairly. This is very different to the usual hypocritical whine as to the Indian's unfair trading competition.—Ed. I.O.]

How Londoners Helped

Among the many attempts that have been made in Great Britain, India and elsewhere to raise funds for the relief of the Indian Passive Resisters in South Africa, was one made by a few enterprising Indians in London in the shape of a grand Indian Entertainment which was very successfully organised and put on the stage at Caxton Hall, London, on Monday, the 26th ultimo, before an audience of over two hundred people, Indian and European, amongst whom were several ladies and gentlemen of note.

The first part consisted of twelve tableaux from the life history of Buddha, in picturesque oriental costumes. After an interval of fifteen minutes, Mr. M. M. Gardevia showed on the screen portraits of Messrs. Gandhi, Gokhale, Polak, Kallenbach and other prominent Indian and European ladies and gentlemen who have been taking a leading part in the Indian struggle in South Africa, whilst Mr. K. H. D. Cecil, an Indian poet, recited the following verses composed by himself.

To Mr. Gandhi

Lo! we salute thee, bravest soul sublime,
Who in the cause of Liberty and Peace
Hast not disdained to tread the thorny paths;
But given up instead what others grudged,
Not only self, but all thou callest thine,
And for thy Country's sake hast sacrificed
What others treasure most and would not lose.
Aye, Gandhi, for all this what hast thou asked?
Nothing but justice for thy countrymen,
The noblest of our India's noble sons,
Thou art so great thou stand'st apart from all.
The word "farewell" is not for thee, whose name
We have enshrined in immortality.

To Mr. Gokhale

To thee whom India owns her truest son,
The second Grand Old Man of Aryan blood,
Who would'st have held, as thou hast held our hearts,
The premier post, hadst thou been Briton born,
Gokhale, to thee we bow! To thee we come
With this our homage due to noble souls;
And there's no son of Indian mother born
Who will not hail and shout thy name with joy.

To Indian Women

Women of dauntless souls, whose hearts have wept,
In prison-cells, the tears of Liberty,
Your names shall live for all the after times,
And be a great example to your Sex.
Hail! patient, suffering, self-less Spirits, hail!
Mothers and sisters, glory be to ye!
And on your heads the Crown of Liberty.

This was followed by eight tableaux from the Rubaiyyat of Omar Khayyam, when Lieut.-Colonel Bhola Nath recited the original Persian verses. Appropriate to the occasion, Mr. Zafar Ali Khan sang an Urdu song, composed by himself, on the Indian question in South Africa. There were also recitations, music and Bengalee songs.

Lieut.-Colonel D. Warliker, whilst expressing thanks on behalf of the Organising Committee to the audience for their sympathetic support, referred in eulogistic terms to the untiring zeal and energy of Mrs. P. L. Roy who was instrumental not only in the getting up but the setting of the entire tableaux in a manner that left nothing to be desired.

After deducting the expenses, the promoters of the Entertainment expect to hand over a fairly good sum to the Indian Passive Resisters' Fund.

Mr. Andrews Sails for England

A great farewell meeting of Indians was held at Capetown on Saturday morning to express gratitude towards the Rev. C. F. Andrews for his great work on behalf of the Indian community. Among those present were Mr. and Mrs. Gandhi, Bishop Cameron, Sir Fredrick Smith, Senator W. P. Schreiner, Mr. Meyler, M.L.A., and others. A letter apologising for his inability to attend was read from Mr. Merriman, who added that he was sure the Indian community was right in expressing their earnest gratitude to one who, by example and precept, brought home to South Africa the need existing for every effort to be made to bring about some mutual understanding of the difficulties which rise from the contact of men with diverse origins and different views of their duties as citizens.

Mr. Andrews was then garlanded and presented with a set of South African books.

Bishop Cameron said he was sure that Mr. Andrews's visit had been of the greatest possible advantage in promoting a better understanding between the people of this country and the people of India.

Mr. Schreiner, Mr. Meyler, and others also spoke, and Mr. Andrews, in returning thanks, expressed in Hindustani and English appreciation of the wonderful frankness and generosity with which he had been received in South Africa. If he had been able to do anything to help a peaceful solution of the problem, it was due to the manner in which he had been received on all sides. He appealed for better relationship between the two great civilisations of India and South Africa. The speaker and audience were moved to tears.

Mr. Andrews subsequently sailed for England by the *Briton*.

On Friday evening Mr. Andrews addressed the students of the University, Mr. Victor (Chancellor) presiding. Mr. Andrews spoke about the poet Tagore, calling him his *Guru*. Mr. Andrews considered his work in South Africa highly successful. It had produced a healthy change in the political atmosphere.

Lord Gladstone's Tribute to Tagore

Capetown, February 17th (Reuter).—In the City Hall, before a distinguished audience, the Rev. Mr. Andrews lectured on the Indian poet, Tagore. The Mayor presided.

Mr. Merriman, in moving a vote of thanks, emphasised the necessity of a better and more sympathetic understanding of the Indians, particularly of the Indian intellectual life.

The Governor-General, in seconding, said that he had listened with great pleasure to the lecture which was one to make them think and realise in a fuller degree what India was, and what their duties were to the people who were members of the British Empire. His Excellency said that, when at Oxford, he made a special study of Indian history and later visited India. He wished more South Africans could go to India, and by so doing rise to a higher appreciation of what the Indians were. They would then think less of India as a country which sends its coolies to the South African coast, and would realise that there was in the personality of Tagore an intense expression of imaginative Indian life; in fact India had developed perhaps far above the line attained by some parts of the British Empire in its civilisation and effort to higher life. He joined with Mr. Merriman in thanking Mr. Andrews, and believed that this lecture would do much to induce a feeling which would help to a solution of the troubles which had stood between the good relations of South Africa and India. They were troubles which they all hoped and expected would be solved before long. He thanked the lecturer heartily for his efforts to bring about a better understanding.

Passive Resisters Return to their Homes

After an absence of many months, the following Passive Resisters entrained for their homes in the Transvaal on Wednesday evening last :—Mrs. K. Murugasa Pillay, Mrs. K. Chinsamy Pillay, Mrs. Perumal Naidoo, Mrs. Tommy Ramalingen, Mrs. R. Moonsamy Moodaley, Mrs. Sivprasad, Mrs. Mahabeer, Mrs. Bhavani Dayal, Mrs. Somar, Miss V. Moonsamy Moodaley, Miss Baikum Murugasa Pillay, Miss Minnatjee and Messrs. Lalbahadursingh, Tilokasingh, Gulabhdas, Bhavani Dayal, Sivprasad, Veerasamy Francis, Subbaya Pillay, N. M. Naidoo, Rajoo Narsoo Naidoo and L. B. Naik.

They were followed on Monday by Mrs. N. Pillay, Mrs. Thambi Naidoo, Mrs. V. S. Pillay, Mrs. V. R. Naidoo, Mrs. N. S. Pillay, and Messrs. Thambi Naidoo, S. K. Padiachy, N. K. Pillay, Rugoobeer, T. Coopoomsamy Naidoo and Willie Morgan. How those months of exile were spent is too well known to require recapitulation. The departure of the first band of eleven ladies—six with babes in arms—from Johannesburg to court arrest at Vereeniging, first by crossing the border from Viljoen's Drift, then by hawking in the town of Vereeniging itself, their subsequent departure for the strike centre, their giant labours here among the indentured people, finally their arrest, while so labouring, as 'vagrants', and their incarceration at the Newcastle, Maritzburg and Durban Gaols with its various incidents, including forcible vaccination at Newcastle and detention under the Immigration Act on the day of their release from prison; the departure for the strike centre of the second band of ladies from Johannesburg, reinforced later by two more ladies from Germiston, their work amongst the labourers at Newcastle, Dundee, Dalphausen, Durban, Maritzburg and other places, their endeavour to be arrested as licenceless hawkers in Durban, subsequently the arrest of Mrs. Moonsamy, Miss V. Moonsamy, Mrs. Mahabeer, Mrs. Sivprasad and Mrs. Somar in this manner by a native constable and their release immediately on reaching the Charge Office, their subsequent attempt to cross the Transvaal Border, their arrest at Volksrust and sentence to three months' imprisonment, their transference to the Maritzburg Gaol and their release thence under the provisional settlement;—all this is matter of history. It may be mentioned here that Mrs. Veerasamy, who came with the second band of ladies and with them crossed the Transvaal Border, was, to her great regret, not arrested, she being identified by the Immigration Officer, having with her her little child. She consequently returned to Charlestown, where a number of the strikers' families were still stationed, and on the conclusion of the negotiations with the Government proceeded home. It may also be mentioned that three more Germiston ladies, Mrs. Nandan, Mrs. Bandu and Mrs. Thai, left their homes for the front, and they were waiting at Charlestown to seek arrest by re-crossing the border, when the provisional settlement rendered such a course unnecessary. It may be stated that the whole of the Germiston contingent were among those who, at the very outset of the present struggle, sought imprisonment as 'hawkers' at Germiston, were arrested and immediately released.

On both occasions, the Departees, before proceeding to the Station, were driven from their residence in Stratford Road to 110 Field Street, where Mr. Rustomjee presented flowers and sweetmeats. In laudatory terms he referred to the great work done by them, work which words failed him to describe. On the first occasion Mr. Lalbahadursingh, and, on the second, Mr. Thambi Naidoo, on behalf of the Passive Resisters, thanked Mr. Rustomjee for the kindness he had extended to them. On the second occasion, a deep note of sadness was introduced owing to the news of the passing away of Miss Valiamah Moonsamy two days after her return home. Loving references were made to

the memory of the dear departed by Mr. Thambi Naidoo, Mr. Rustomjee, and Mr. Polak who said that a proud lot was that of the parents to whom it had been vouchsafed to give up a daughter in such a cause.

A large number of friends was at the station to bid the returning Passive Resisters Godspeed, and, at 6.30, the train steamed out of the Station amid loud cheers of "Bande Mataram."

In spite of the fact that the Immigration Officer at Volksrust had been notified of the departure both by Mr. Gandhi and Mr. Polak, separately, the first party, except Mrs. Moonsamy and her daughter, who were allowed to proceed to Johannesburg on account of the latter's illness, were detained on the pretext that their identity was not known. Subsequently, upon an undertaking being given by Messrs. Kallenbach and Polak that full particulars would be forwarded to the Chief Immigration Officer, Pretoria, they were allowed to proceed, having been delayed for twenty-four hours.

Further details of the work of the Transvaal Resisters in Natal will be given next week.

News in Brief

Mr. Gabriel Isaac wishes us to thank all those friends who sent telegrams of congratulation on his release, and, in reply to the hope that he might be spared to work further in the cause, Mr. Isaac says that he will always strive to keep those principles that led to his adopting the Indian cause as a guide to his life in the future as in the past, and that he heartily reciprocates the note of brotherhood.

The Indian papers just to hand record the death of Mr. Kevalram Mavji Dave, B.A., LL.B., of Rajkote. The late Mr. Dave was an Arnold Scholar and the first Kathiawari to become a graduate in laws. He was a lawyer of great gifts and his fame extended beyond the limit of his province. Recently he published a Life, in Gujarati, of the Saint Ramkrishna Paramhansa, which work he dedicated to his friend, Mr. M. K. Gandhi, as a tribute to his selflessness as a passive resister. We tender our sympathy to the relatives.

Mr. W. W. Pearson delivered an address on "India" at the Congregational Church, Aliwal street, Durban, at the evening service on Sunday last. The service was well attended, notwithstanding the inclement weather, and Mr. Pearson received a cordial welcome from the Congregation through the Minister, the Rev. Glover. Among those present were the Rev. and Mrs. Richards from Australia, Mr. Pearson's brother-in-law and sister, who are on their way to England.

Our readers will regret to hear that Mr. Solomon Royeppen, who suffered from hernia whilst in the Maritzburg gaol, as a passive resister, was operated upon on Saturday. He is now slowly recovering, and, we are informed, is progressing as well as can be expected.

Mr. J. W. Godfrey, Barrister-at-Law, Natal, contributes a letter to the *Times of India* of the 2nd ultimo in which he gives the story of passive resistance and the Indian Strike in Natal. An illustration appearing on the same page shows the strikers marching across the border of Natal and the Transvaal.

Chancing to pick up a copy of the *Union Gazette* dated the 25th November last, we find therein a notice establishing the Indian Barracks of the African Boating Company, Point Road, Durban, as a temporary gaol. Owing to the strain and stress of those days, when most of us were either in gaol or under arrest, we failed to observe that private prisons were being established in Durban.