

# Indian Opinion

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## THE COMMISSION'S REPORT

**A**S the Bill based upon the recommendations of the Commission may be published very soon, we do not propose to give many extracts from the Report. Moreover, the full report is available at 9d. per copy in Capetown. We give, however, some of the salient points from it. We have not found it possible to condense the exhaustive sketch of the marriage and the £3 questions. We have, therefore, been obliged to content ourselves with merely giving the text of the recommendations on these two points. The curious must search the Report itself. The document occupies 38 foolscap pages from which we take the following:—

### On the Community's Abstention

Unfortunately the main object which the Commission had in view in recommending the release of Messrs. Gandhi, Polak and Kallenbach was, to a great extent, frustrated by the attitude taken up by these persons.

So far from assisting the Commission by placing before it the case for the Indian community for the redress of alleged grievances and by collecting evidence in support of the serious allegations of acts of violence committed upon persons sentenced to imprisonment in connection with the strike, the leaders decided, on various grounds which it is unnecessary to mention, entirely to ignore the Commission. The result was that not only was the Indian community not represented by counsel, but that, acting upon the advice given by Mr. Gandhi, no witnesses appeared to substantiate the charges of violence.

Fortunately, during the latter end of our sitting, a few Indians, chiefly from the Mahomedan section of that community, who represented the Natal Indian Congress, did appear before us and gave evidence of considerable value and importance. At a later stage of the Enquiry, when the Commission sat in Capetown from the 23rd to the 27th February, several other Indians presented themselves who claimed to represent various societies, three of them having travelled from the Transvaal for that purpose. These persons were, we think, well advised to refuse to follow the advice given by Mr. Gandhi to his fellow-countrymen to ignore the Commission. By appearing and giving evidence they were able to give us important information on certain subjects and, by doing so, they, in our opinion, rendered considerable service to the Indian community.

### On the Causes of the Strike

The documentary evidence as contained in the various Blue Books which have been placed at our disposal, makes it clear that the strike was immediately due to dissatisfaction on the part of the leaders of the Indian community with the provisions of the Immigrants Regulation Act 1913.

Being unable to obtain from the Minister what he considered to be satisfactory assurances on these points, Mr. Gandhi deliberately decided to take the grave steps which immediately led to the strike and to the subsequent disturbances which are the subject of this

enquiry. In his letter of the 28th September, which closed the correspondence between the Minister and himself, he informs the former that the step which he purposes to take "consists in actively, persistently and continually asking those who are liable to pay the £3 tax to decline to do so and to suffer the penalties for non-payment, and, what is more important, in asking those who are now serving under indentures and who will, therefore, be liable to pay the £3 tax on completion of the indentures, to strike work until the tax is withdrawn."

This is the first occasion on which, in the course of the correspondence already referred to, mention was made of the £3 tax. It was a matter, however, on which there can be no doubt that many of the Indians felt very strongly, and it had been one of the chief subjects of discussion between the Union Government and Mr. Gokhale when he visited South Africa in 1912. The feeling of the Indians on this subject had been much aggravated by the statements made to them that the Union Government had promised Mr. Gokhale that a Bill would be introduced in the next session of Parliament to repeal the tax.

When, therefore, no such Bill was introduced and when, in addition, the Government repudiated having made any promise to that effect, the result was that there was grave disappointment on the part of the Indian community, especially in Natal. It is impossible for us in this enquiry to enter into the controversy which has arisen on the subject of the promise alleged to have been made to Mr. Gokhale; it is sufficient for our purpose to state that the Indians had been led to believe that such a promise had been made, and that on failure to introduce the expected legislation there was considerable feeling on their part against the Government.

There were other matters affecting Indians which we were invited by certain witnesses to investigate, but which, in our opinion, did not fall within the scope of our reference. Our enquiry into alleged grievances is limited to those which in any way contributed to the strike. We have no authority to investigate and to make recommendations upon the general position of Indians in the Union, and the disabilities under which they suffer.

There was one other subject, however, upon which, though we at first felt some doubt as to whether it was within the terms of our reference, we ultimately decided to hear evidence. Complaints were made that the laws of the Union, more especially the Immigration and Licensing Acts, were being administered against Indians in a harsh and unsympathetic manner. That was one of the subjects specially referred to in a letter from Mr. Cachalia, the Chairman of the British Indian Association, to the Secretary of the Interior, dated 12th August, 1913, and published in Blue Book C.D. 7111, page 26, in which he formally notifies the Government that the Indian

Community purpose again to have recourse to passive resistance, and in which he states that the struggle will be continued so long as, amongst other things, "a spirit of generosity and justice does not pervade the administration of the existing laws referred to herein."

The same subject is referred to in other communications that took place between the Indian leaders and the Government, and in his letter of the 21st January, 1914, in which Gandhi intimates to the Minister his intention not to take part in the proceedings before the Commission, he sums up the points on which relief is sought, as follows:—

- (1) The Orange Free State question.
- (2) The Cape Colony question,
- (3) The Marriage question,
- (4) Repeal of the £3 tax,
- (5) An assurance that existing laws, especially affecting Indians, will be administered justly and with due regard to vested rights.

In view of these circumstances, we came to the conclusion that we were justified in extending the scope of our Enquiry so as to include an investigation into the subject of the administration of the Immigration and Licensing Laws.

We feel bound, however, in view of the terms of reference, to limit our investigation to the five subjects specified above, and to eliminate from our enquiry such questions as the following, which we were invited by various witnesses to consider:

- (a) That the Transvaal Laws prohibiting Asiatics from becoming the owners of fixed property and from acquiring rights under the Gold Law should be repealed.
- (b) That it should be illegal for the Government to insert in grants and leases of land in townships in the Transvaal a clause prohibiting the transfer or sub-letting of the land to Asiatics;
- (c) Such general questions as the alleged want of proper educational facilities for the children of Asiatics; their inability to carry firearms, to ride in trams in the Transvaal, etc.

None of these matters in our opinion had any effect in bringing about the strike, and most of them could only be dealt with by legislation and not by administrative action, so that we do not consider that they fall within the scope of our enquiry.

That being so, we now proceed to discuss the five subjects set forth by Mr. Gandhi in his final letter of the 21st January, 1914.

### The Orange Free State Question

This has already been referred to, and, in view of the assurances given by the Minister on the subject, it is somewhat difficult to understand why it has been resuscitated. The only point that can be made regarding it is, that, inasmuch as under Section 7 of the Act of 1913 educated Indians entering the Free State become subject to Section 8 of Chapter 33 of the Free State Law Book, which amongst other things requires that a declaration shall be made before a Resident Magistrate, and inasmuch as it has been agreed by the Minister that no such declaration shall in future be required, it might be advisable to amend Section 7 of the Act so as to make this perfectly clear.

### The Cape Entry Question

It is clear that, if the provisional settlement of 1911 did in fact safeguard the existing rights of Indians, then in strict law there has been a breach of that agreement. Unfortunately the terms of this settlement are not set forth specifically in any formal document, but are to be gathered from two letters which passed between the Private Secretary to the Minister and Mr. Gandhi on the 23rd April, 1911.

It has been pointed out that in the letter of the Private Secretary of the 22nd April, there was no direct assurance that existing rights would be maintained, but there is no doubt that Mr. Gandhi and the Indian Community generally understood that this was one of

the terms of the settlement. This appears from many letters subsequently written by Mr. Gandhi to the Minister and specially from certain correspondence which took place between them in January and February, 1912, and subsequently in July and August, 1913. For example, in Mr. Gandhi's letter of the 24th August, 1913, he states specifically that "The correspondence setting forth the provisional settlement of 1911 protected all existing rights of the British Indians." Statements to the same effect are made in other letters, and never on any occasion was this claim repudiated by the Minister. In fact, a perusal of the correspondence leaves the impression that this was common cause between the parties, and was never the subject of controversy.

Then, if that be so, it follows that by restricting the entry of Indians born in South Africa into the Cape Colony to those who can satisfy the educational requirement of Act 36 of 1906, there has been a departure from the provisional settlement of 1911. At the same time, it is clear from Mr. Gandhi's own letters to the Minister that there is very little substance in this alleged grievance.

Looking at the whole subject from a practical point of view, we have come to the conclusion that no good purpose could be gained by recommending that this shadowy grievance should be remedied by amending the Act of 1913, so as to restore the right of South African born Indians to enter the Cape without undergoing the educational test therein provided.

Before leaving the subject we might refer to a point to which our attention was directed by Sir Benjamin Robertson. Section 4, (2) (a) of the Act of 1913, which deals with the educational requirements of the Cape and Natal Provinces, makes provision for those who were, at the commencement of the Act, lawfully entitled to reside in any Province. It was pointed out that the right conferred by that section would not strictly avail any person who became lawfully entitled to reside in any Province after the Act came into force, as for example, a child born after the commencement of the Act of Indians domiciled in South Africa.

It is indeed difficult to see what good purpose is served by the inclusion in the Section of the words "At the commencement of the Act," and they might very well be deleted.

### Administration of Existing Laws

We have now reached the fifth and last of the alleged grievances which have been formulated by Mr. Gandhi in his letter to the Minister of the 21st January, 1914, in which he requires "an assurance that the existing laws especially affecting Indians will be administered justly and with due regard to vested rights." The representations which have been made to us on this subject deal mainly with the Immigration and Licensing Acts, and, as already stated, we propose to confine ourselves to these subjects.

### The Immigration Act

The complaints against the administrative methods of the Immigration Department were fairly numerous, chiefly in the Cape Colony. In respect of some of them we were not satisfied that they have been established and we do not propose to make any reference to such. There are others, however, in regard to which we are of opinion that grievances do exist and we propose to deal with these as shortly as possible.

### The Licensing Acts

Representations were made to the Commission regarding the administration of the Acts with reference to the grant of licences to carry on trade or business in the Cape Colony and in Natal.

We do not, however, see our way to making any recommendations on this subject which are likely to be of any use.

No evidence was laid before us as to the administration of the licensing laws in other towns of the

Cape Colony or in the country districts, and we have therefore, no observations to make on that subject.

As regards Natal, the system is somewhat different from that which obtains in the Cape Colony.

The evidence before us is to the effect that the Act is not so strictly administered against Indians in the Natal boroughs as it is in Cape Town, but that it is becoming more and more difficult for Indians to obtain new licences except in those quarters of the town which are inhabited almost exclusively by them, and which may be regarded as Asiatic reserves. In some other parts of the towns it is almost impossible now for Indians to obtain new licences.

As regards the rest of Natal outside of the boroughs and townships, there is one licensing officer who is a Government official, and from whose decision an appeal lies to the licensing board. His policy towards Indians is far more liberal than that of the licensing officers in the boroughs. In fact, he informs us that he makes no distinctions between Europeans and Indians.

A fact of some interest which was elicited from this witness is that, where applications for new licences are made by Indians, more than 50 per cent. of the objections come from other Indians.

We had no complaint regarding the grant of new licences from this licensing officer, the complaints being directed entirely against the administration of the Act in the boroughs and townships. We do not see our way, however, to make any recommendations on this subject. Nothing can be done which would be of any effect except by legislation, and, for the reasons already given when dealing with the grant of licences in Cape Town, we are unable to suggest any amendment of the laws.

We have now dealt with all the grievances formulated by Mr. Gandhi in his letter to the Minister of the Interior, but before closing, we think that it is desirable to summarise the various recommendations that appear in different parts of the report.

Some of these recommendations will require legislation to give effect to them whilst others can be sufficiently dealt with by administrative action.

They are as follows:—

(1) Section 5 (g) of the Immigration Regulation Act of 1913 should be amended so as to bring the law into conformity with the practice of the Immigration Department, which is: "To admit one wife and minor children by her of an Indian now entitled to reside in any Province, or who may in the future be permitted to enter the Union, irrespective of the fact that his marriage to such wife may have been solemnised according to tenets that recognise polygamy, or that she is one of several wives married abroad so long as she is his only wife in South Africa."

(2) Instructions should be given to the Immigration Officer to open registers in each Province for the registration by Indians of, say, three or more years' residence in South Africa, who have at present, or have had in the past, more than one wife living with them in South Africa, of the names of such wives, who are to be free to travel to and from India with the minor children so long as the husband continues to reside in this country.

(3) There should be legislation on the lines of Act 16 of 1860 of the Cape Colony making provision for the appointment of marriage officers from among the Indian priests of different denominations for the purpose of solemnising marriages in accordance with the respective religions of the parties.

(4) There should be legislation for the validation by registration of existing *de facto* monogamous marriages, by which are understood the marriage of one man with one woman, under a system which recognises the right of the husband to marry one or more other wives.

5. Section 6 of Act 17 of 1895 of Natal which requires certain Indians to take out year by year a pass or licence to remain in the Colony and which provides

for the payment of £3 a year for such licence should be repealed.

(6) Conditions under which identification certificates under the Immigrants Regulation Act of 1913 are issued should be amended so as to provide that such certificates shall remain in force for a period of three years instead of one year.

(7) An Interpreter should be attached to the office of the Immigration Department in Capetown who should be a whole-time officer.

(8) Application forms for permits, certificates, etc., from the Immigration Department should be filed in by the clerk in the office upon information supplied to him by the applicant, if the latter so desires.

(9) The practice at present existing in the Capetown office of this Department of taking in certain cases prints of all the fingers of both hands, instead of the thumbs only, should be discontinued.

(10) The Resident Magistrate of a district in which there is no immigration officer should have authority to issue temporary permits to Indians residing in his district who desire to travel from the Province in which they are living to another Province of the Union.

(11) The present fee of £1 for an identification certificate or temporary permit should be materially reduced, and no charge should be made for any extension.

(12) The present practice of the immigration officer of one Province of communicating by telegraph with the immigration officer of another Province when an application is made by an Indian for a permit to travel from one Province to the other should be discontinued.

(13) Domicile certificates which have been issued to Indians in Natal by the immigration officer of that Province, and which bear the thumb impression of the holder of the permit should be recognised as conclusive evidence of the right of the holder to enter the Union as soon as his identity has been established.

(14) An arrangement should, if possible, be made with the Government of India for the holding of official inquiries by the magistrate or other Government official in the case of women and children proceeding from India to join their husbands and fathers in South Africa. If, on inquiry, the official is satisfied that the woman and children are the wife and children of the man in South Africa whom they claim as husband or father, a certificate should be given by him to that effect, and such certificate should be treated by the immigration officer as conclusive evidence of the facts stated in it.

## Mines as Prisons

In the House of Assembly on Thursday last, in the course of the debate on the additional estimates, Mr. De Wet (Minister of Justice) denied the improper usage of Indian prisoners (strikers) put on hard labour in coal mines. The Minister pointed out that the mines paid 6d. per day per prisoner for this work.

Mr. MEYLER (Weenen) hoped the practice of using such labour during strikes would not be followed.

Mr. DUNCAN (Fordsburg) also condemned this practice, remarking that, if the system of indentured labour ratified by criminal law was to continue in this country, they must be very careful not to press it to a scale on which it would become practically indistinguishable from forced labour.

Sir THOS. WATT (Minister of Posts and Telegraphs and Public Works) said these Indians were sent to work in the ordinary course in the mines as proclaimed prisoners. He took exception to Mr. Meyler's remarks where he said that officials of the coal mines where these Indians were working out their sentences were "nigger drivers." Mr. Meyler (said the Minister) had made several rash statements in that House, and had apologised in more than one case; and, if the hon. member would reflect, he would realise he had made a totally unfounded charge against men who were doing their duty and were sympathetic and humane men. The

management of these collieries were on good terms with their coloured employes, both Indians and natives; and there was no question of forced labour or ill-treatment.

Mr. BOYDELL (Durban, Greyville) said many rumours had been current as to what had gone on in the coal mines during the strike, and ought to be inquired into. He was surprised that Ministers who had spoken had not repudiated the dangerous policy of driving men at the point of the bayonet back to their place of employment, and compelling them to work in that place as a prison. This kind of thing was getting behind the right to strike.

After further discussion an amendment by Mr. Meyer, to reduce a portion of the Prisons and Reformatories Vote by £1,000 was negatived.—Reuter.

## The Imperial Blue-Book

(Continued)

MINISTERS TO GOVERNOR-GENERAL

Prime Minister's Office, Pretoria,

25th September, 1913.

In acknowledging the receipt of His Excellency the Governor-General's Minute, No. 15/468, dated the 10th September, 1913, transmitting copy of a telegram received from Mahomed Cassim Coovadia, communicating the terms of a resolution passed at a mass meeting of British Indians held on 8th idem, Ministers have the honour to state that they do not desire to make any comment upon the resolution further than that the Immigrants Regulation Act, No. 22 of 1913, and the Regulations thereunder are being administered in a proper and reasonable manner, and that any point of detail in the present procedure which differs in any respect from the form followed under the repealed Natal Immigration Act is magnified by the Indians into an act of injustice.

Ministers would further state that it is patent that the Indians are endeavouring by every possible means to place difficulties in the way of the Immigration Officers, and to discover methods of evading the provisions of the new Act.

LOUIS BOTHA.

COLONIAL OFFICE TO SOUTH AFRICA BRITISH INDIAN COMMITTEE.

Downing Street, 22nd October, 1913.

SIR,—I am directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 6th instant, on the subject of certain complaints of the Indians in South Africa arising out of the recent Immigration Act, and to inform you that Mr. Harcourt fears that so long as the passive resistance movement continues it will be useless to address any representations to the Union Government with a view either to any amendment of the Act or to the more lenient administration of it.

2. With regard, however, to the case of Kulsan Bibi, I am to point out that, according to Press reports, the Immigration Officer appears to have resisted this woman's entrance on the ground that Mahboob Khan had in 1910 sworn that he was married according to Indian rites to another woman with whom he had lived in Natal. The assurance given by Ministers to continue the practice of admitting one wife for each Indian does not, therefore, appear to be applicable in this case.

I am, etc.,

JOHN ANDERSON.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

Downing Street, 22nd October, 1913.

MY LORD,—I have the honour to acknowledge the receipt of Your Excellency's telegram of the 8th instant, on the subject of a resolution of a meeting of Anjuman

Islam, held at Durban concerning a judgment delivered by the Natal Supreme Court to the effect that for the purposes of the Immigration Act no marriage can be regarded as monogamous which has been celebrated according to the rites of any religion tolerating polygamy. I understand that this decision arises out of the case of Kulsan Bibi, which is referred to in the enclosed correspondence with the South Africa British Indian Committee, and as to which I should be glad to receive a full report.

2. I request, if your Ministers concur in the correctness of the following reply, that the Chairman of the meeting may be informed that I understand that South African law has never recognised polygamous marriages, in which respect it is identical with the law of this country, and that recent decisions of the Court have not in any way altered the law. You should add that I am confident that the Indians may rely on Ministers' pledge to continue the practice of admitting one wife for each Indian entitled to reside in South Africa, provided that she really is his wife and there is no other wife already in the country.

I have, etc.,

L. HARCOURT.

(To be continued.)

## Asiatic Boycott Suggested

The *Transvaal Leader's* Carolina correspondent writes that a representative meeting was held recently in the Town Hall, at which 200 farmers were present, to discuss the measures to be taken by the Government and by the public to cope with the threatening coolie danger in the country. Mr. J. A. Joubert was elected chairman. A great many speeches were made, in which was shown the great danger in the future when those who were now children would be compelled to take positions as clerks in the service of Asiatic traders, as had happened already occasionally in the district; the undue competition which the white storekeepers' experience from the Asiatic traders, although the latter sell mostly inferior articles at cheaper prices; also the competition to the small farmers, and husbandmen, especially in Natal. Some speakers emphasised the religious danger emanating from the influx of Asiatics, as they are mostly Mahomedans, and very zealous propagandists for their religion. Moreover, being polygamists, it was held that they are a constant menace to our young girls. They were of no good whatever to the country, living on 4d. worth of rice a day, and remitting all their earnings to India.

The following resolutions were unanimously passed: (1) This meeting recommends that, for a better control of Asiatic traders, the granting of trading licences to Asiatics be left in the hands of municipalities, and that the latter obtain the right to have Asiatic traders transferred to bazaars in locations. (2) That all future coolie immigration be stopped, especially in the Transvaal, and that measures be taken to repatriate all of them. (3) The meeting unanimously resolved to support Senator Munnik in his resolutions in the Senate, to be brought forward this month.

All persons present signed their names never to support an Asiatic trader. A committee was elected to see all persons who let shops to coolies, and to request them to cancel all future contracts of lease with Asiatics.

The secretary was instructed to send copies of these resolutions to the Minister of the Interior, to Senator Munnik, to the different municipalities and vigilance committees, and to give it publicity.

All attorneys have decided not to accept any work from Asiatics.

A resolution was also signed by all storekeepers not to have any business transactions with any Asiatic trader or hawker, and a permanent vigilance committee was appointed.

## From the Editor's Chair

### THE COMMISSION

THE report of the Indian Commission is a fair and subdued statement of the position. The Commissioners, naturally, criticise Mr. Gandhi's abstention from tendering evidence and that of the general body of the Indians who acted on his advice. The Viceroy has also condemned this action of the leaders. We understand and appreciate both pronouncements, and yet feel constrained to say that, consistently with its vow, the community could not have acted otherwise than it did. And, with due respect to Lord Hardinge and the Commissioners, we make bold to say that events have proved the supreme wisdom of the course. As is common knowledge among the Indians, they had over three hundred witnesses, excluding many Europeans who had made affidavits and who were ready to tender evidence. Every Association throughout South Africa would have led evidence on the many grievances. This would have meant a delay of at least six months in the issue of the report of the Commission, thus rendering it impossible to introduce remedial legislation during the current session of Parliament. And it would certainly have been disastrous if the settlement had been delayed for so long. What is, however, more important is the fact that the settlement spirit that pervades the atmosphere would, it is highly likely, have been marred. Mr. Andrews' great work of conciliation could not have been done. For the Indian community would have led voluminous evidence as to ill-treatment. This would have been hotly combated by the other side, and hot words would have passed between opposing counsels. The sittings of the Commission would have roused the keenest excitement between the Indian and the European sections. Instead of all this, thanks to the Indian abstention, we have still the atmosphere of conciliation so silently, so effectively and with such wonderful love and humility created by Mr. Andrews. The most responsible Europeans are showing a commendable desire to see a settlement, as permanent as it can be made, of the Indian trouble. The Indians, on their part, have "buried the hatchet," have sealed their lips about ill-treatment, and are expectantly watching the progress of events. Thus, a step in Passive Resistance that was right in itself and, therefore, undertaken in spite of the advice to the contrary of the Viceroy and many other friends, has proved of the greatest advantage otherwise. We are further of opinion that the report leaves little to be desired on the points on which practically no evidence was led. Thus, on the two most important questions of the £3 Tax and Indian marriages, the Commission's pronouncement is exhaustive and almost beyond criticism. We tender our congratulations to the members of the Commission and, especially, to Messrs. Esselen and Wylie, against whose appointment as members of the Commission we felt it our duty to make strong remarks. We are glad to note that they have not allowed their previously expressed hostile views to affect their judgment on the facts submitted to them. Moreover, the Commission has entirely vindicated the Indian attitude and, especially, Passive Resistance. It has, in no uncertain terms, admitted the justness of our prayer and accepted the charge of breach of the settlement of 1911. Where, however, a few Indians were misled into giving evidence, we feel that they have unwittingly rendered a disservice to the community. One witness gave ill-considered evidence on the ill-treatment, and his testimony has been summarily dismissed by the Commission. With political expedience, it expresses approval of the evidence led by some other Indians. This approbation the community, we trust, will understand. The result of their evidence has been to get trifles which the community could have got

without much effort and as part of the settlement under the 5th point in Mr. Cachalia's letter, and to prevent acquisition of much more that would have been otherwise obtained. Thus the certificates of identity will now be of three years' duration instead of one year. This is a gain, but it is much less than what we were entitled to, viz., permanent certificates of domicile as were granted in Natal. The great overhauling of the Immigration Departments that would certainly have come has now been at least postponed because of the limited submission of those who thought fit to give evidence. Again, on the licences question, the witnesses paved the way, by their uninformed and scrappy evidence, for a *non-possumus* attitude on the part of the Commission. The same may be said about the Gold Law. Nor need it be forgotten that our misguided countrymen were able to give evidence only because the matters on which they spoke were covered by the fifth point of passive resistance. Not much harm has, therefore, been done by their evidence, for, under that point, the community will always be able to move the Government whenever there is manifestly unjust administration of the existing laws.

There is just one question on which the Commission has been weak, though it has admitted the justice of our contention. They do not recommend an alteration of the Immigration Act on the Cape-entry question. This we have not asked for. They are silent as to the administrative action—or, rather, inaction—that has been suggested on our behalf. We feel sure, however, that the Government will set it right. There is ample evidence of the Government's desire to settle all the outstanding points. And the community will eagerly await the next stage in this very important and imperial matter. We beg leave to remind the Government that the future smooth relations with the Indian community will largely depend upon their acts under the fifth point—namely, just administration of the existing laws (including the Dealers' Licences Acts, the Immigration Act, the Transvaal Gold Law, the Townships Act and the Transvaal location policy) with due regard to vested rights. The great outstanding points requiring legislation being placed out of the way, the community has a right to expect a liberal spirit in the administration of the laws which affect those who, as now admitted by the Commission, have been sorely harassed and tried in the past.

### Echoes of the Strike

Antonimuthu, the son of the deceased Selvan who was killed at Hillhead on the 27th November last, was charged at Verulam, on Thursday last, with perjury, in that he had sworn upon oath that he saw a native constable stab his father with an assegai, whilst it was found, after the post mortem examination, that the deceased had been shot. It will be remembered that this boy, Antonimuthu, was himself shot whilst running to assist his father and received three bullet wounds from which he has suffered a great deal of pain.

Mr. E. H. Langston, who appeared for the defence, asked for the discharge of the accused on the ground that there could have been no intention of telling a falsehood. There was no object in doing so. His father was dead and nothing could bring him back to life. Moreover, several others had stated the same thing and it was evident that there was such confusion during the sixty seconds or so that the incident lasted that it was an easy matter to make a mistake. According to the medical evidence, the bullet wound was exactly in the same place as that of the supposed assegai wound. And it was admitted that certain native constables had assegais in their hands.

The Magistrate (Mr. Rossler) said that it was a serious charge and he could not, at the preliminary stage, do anything in the matter. The accused must

stand his trial with the others. He was, therefore, committed for trial and released on bail of £10.

Mr. Langston suggested that it would not be advisable for the trial of these cases to take place at Verulam, with a jury of planters and others. The Magistrate made a note of Mr. Langston's remarks for transmission to the Attorney-General.

## Deductions for the £3 Tax

On the 31st instant, Mr. Meyler will ask the Minister of Railways and Harbours:

- (1) Has the attention of the Minister been drawn to the fact that a "free" Indian, employed as a labourer by the Mechanical Department of the South African Railways in Natal at a monthly rate of £1 7s. 6d., has had £1 stopped out of his wage in both the months of January and February last in respect of the arrears of the annual £3 licence due from him?
- (2) did this Indian authorise these deductions, and, if not, on what authority were they made? and
- (3) is it the intention of the Government to make similar deductions from the wages of every "free" Indian employed by them who is in arrear in respect of payment of the annual £3 licence?

## Abolish the System!

In the course of a letter to the *Indian Social Reformer*, the Rev. C. F. Andrews writes:—

A slight delay in the passage of the steamer to Natal has given me time to think out more clearly the issues of the heroic struggle in South Africa. I hold strongly still to the conviction that the honour of India is at stake in upholding the rights of the free Indians in South Africa, and that no mere repatriation of these will solve the problem.

But now I see that the problem of indentured labour stands apart by itself, and its solution will materially help the cause of the free Indians. I believe now our immediate task in India is to stand out unitedly for the principle that no Indian shall henceforward be recruited, under the indenture system, for any purpose whatever. This principle might be called 'The Abolition of the Indenture System.'

The ground taken should be the highest, namely, that it is unworthy of a civilised country to allow its citizens to sell themselves into a form of virtual slavery, and that India, as she now takes her place in the ranks of the progressive nations of the world, is determined to wipe away, once and for all, this blot which has been allowed to obscure her good name.

If it be objected that Indian coolies are often far better off in material comforts under the indenture system than they were as free men, the answer is—this was the very argument of the humane slave-owners under the old slave system, and it delayed the abolition of slavery for half a century. There is no need to refute it in detail, for history has refuted it already. If it be objected that cruelties do not exist under the indenture system (with all its elaborate precautionary regulations) such as happened under the old slave system, I would not argue the case, but simply point to the statistic which shows that in a recent year (which was in no way abnormal) while the suicide rate in India was 37 per million, the suicide rate among the indentured labourers in Natal was 662 per million. A system which can produce such a result, even when regulated and protected, stands self-condemned. Even if, in other circumstances, the result of suffering is less apparent, the danger of the system itself is such that the wisest and humanest policy must be to abolish the system, rather than run incalculable risks. But, even assuming, for the sake of argument, that all plantation owners are

kindly and every humane regulation were strictly enforced, the principle still remains that the system, as a system, is unworthy of free citizens in a progressive state. No one could imagine England or America allowing it in the form that India is accepting it to-day. Japan, as far as I know, has never sanctioned it in modern times. China is withdrawing from it. We ourselves in India are now realising its inhumanity, and feeling in our hearts its indignity.

## An Indian's Warning

Miss Violet Solly writes to *The Nation* as follows:—The following quotation from a letter from an Indian friend will, I think, be of interest to your readers. The writer is a Mahomedan gentleman, educated in England, for many years High Court judge of a Native State, and loyal to the British Crown. He writes on December 19th, 1913, as follows:—"You ask me what I think of the South African question. I can only make the same reply as I did to an American, when he talked to me of the negro question: 'Sins of the parents shall be visited on the heads of their children.' Americans carried away slaves, and now they have the negro question. The Natal white enticed Indian labor, which has made Natal what it is. They broke faith with the Indians and now wish to turn them out of Natal. In the end Natal will suffer, and with it the whole fabric which makes up the Imperial Government, should the unholy attempt succeed. We Indians feel the cause of our brethren in South Africa so keenly that, if your Home Government bungles in this matter, a disastrous result will ensue. The forces making for violence in India will gain the ascendancy, and there will follow a set-back to the present policy which is giving us so much contentment. Should the grievances of the Indians in South Africa be not remedied, the one act which has given us hope and heart will have failed. I mean the holding of the great Delhi Durbar by the King Emperor in India. That act signifies to us that the King of England is *our Emperor*, and not merely a foreign Emperor who rules over us merely because we are a conquered race and a dependency of England. *Our Emperor* must look to *our* rights as his subjects, and not merely say that, as he has granted the South African Colonies self-government, he cannot interfere because the Colonies might break away from the Empire. Surely, the Emperor is not going to jeopardise the immense hold he has on our hearts, when he knows that our claims are just. It is a good sign to see that the Archbishops of Madras and elsewhere are taking our side in this matter. I cannot tell you what a low opinion we form of the newspapers who have attacked Lord Harding for the noble sentiments he expressed the other day. Those of us who know the effects of these sentiments realize that oil was poured over troubled waters in the nick of time. A few days more and the excitement would have been so great that our leaders would have found those whom they lead out of hand, and all the blame would have fallen on the educated Indians for having failed to realize the effect of their preachings.

"It was an evil day when self-government was granted to South Africa without first securing to Indians their rights. The Liberal Ministers were well aware that there would be difficulties, but they thought they would blunder through somehow, never realizing how potent the feeling of India would be when the question next arose for solution. Our feeling is that the Government at home betrayed our cause in order to get over as quickly as possible their own difficulties in South Africa, and are now paying the penalty of that betrayal. England has now to say whether she will do right—or let the South African Whites do wrong. You may be sure that if she does not do what is right it will be a source of sorrow and tribulation hereafter. You good folks must realize this for yourselves and force the Ministers to do justice at any cost. Expedient but unjust acts have a nasty way of occasioning harm to the unjust themselves."



## Sir Benjamin Robertson's Departure

Sir Benjamin Robertson left Capetown on the 17th instant, for Delagoa Bay, en route for India. Among those who were on the platform to say good-bye to the Government of India's distinguished deputy were: Sir William Solomon (President of the Indian Commission), the Right Hon. J. X. Merriman, the Hon. N. de Wet (Minister of Justice), Sir James Molteno (Speaker of the House of Assembly), Senator Marshall Campbell, Mr. Stanley (Private Secretary to His Excellency the Governor), Mr. Gorges (Secretary of the Interior), and others. Mr. Gandhi, and a number of leading representatives of the Indian community in Capetown, were also present, and showed their gratitude for Sir Benjamin's efforts on their behalf by garlanding him in Indian fashion.

Sir Benjamin Robertson and his private Secretary passed through Johannesburg on Thursday. Sir Benjamin was met by Mr. M. Chamney, Registrar of Asiatics, and by a deputation from the British Indian Association, headed by Mr. A. M. Cachalia, the Chairman, who garlanded him. Mr. Cachalia thanked him for his services to the community and conveyed the community's thanks, through him, to the Government of India. He also said that, in his view, British Indians best showed their loyalty to the Crown by declining to submit to legislation degrading alike to themselves and to His Majesty the King-Emperor. They hoped that a settlement had now been reached.

A section of the Mahomedan community, attending independently, protested against the report of the Commissioner on the marriage question, but Sir Benjamin declined to be led into a discussion.

## The Indentured Indian

The *Manchester Guardian* publishes a letter from a South African correspondent, from which we take the following:

As to the coolie, the indentured labourer, there is really very little difference, from the point of view of a lover of freedom, between the treatment of the Chinese in South Africa and the way in which the Indian labourer is treated on the sugar and tea plantations and in the coal mines of Natal. The coolie lives in barracks and compounds on the poorest and cheapest food. Nominally the courts of justice are at his disposal, but the possibility of an Indian coolie getting justice in a Natal court, where his interests clashed with those of a white man, is not a possibility at all.

As regards the general question of flogging, it cannot be doubted that a good deal of this is done in the up-country districts, although not to the exaggerated extent alleged in some quarters. But this flogging is not flogging in the sense of prison flogging. The coolies are not stripped and bound to a triangle and lashed till the blood streams, as I have seen them in Natal prisons. They are given several cuts with a sjambok, as one would a dog, over their light clothes, which is, however, quite bad enough. It is, indeed, no good blinking the fact that, in Natal, the coolie is just a dog—often treated kindly, like dogs are; occasionally even spoiled, like dogs are.

The indentured coolies in the towns, however, it must be said in all fairness, are treated justly and squarely, so far as the condition of their labour allows. Here, unlike the country districts, a certain amount of liberal-minded public opinion keeps things decent as between black and white. I have stayed for long periods in town hotels in Natal where all the waiters, for instance, were indentured coolies. But they generally seemed contented, and I heard very few com-

plaints. The coolie is indeed a patient, polite, and charming man so long as he is treated like a human being. He is content with little, and he will give much in return for a kindly word or smile.

## Friendship With India

Mr. Arnold White writes in the *Daily Express* on the "Imperial Effect of Broken Promises," and quotes a Sanscrit proverb which says:—"Two are the luscious fruits on the poisoned tree of life—culture of poetry and the companionship of good souls." "Imagination and friendship," he says, "are the bedrocks of society, west as well as east of Suez. Without them home life is impossible; without them government by consent is impossible; and, without the friendship of races and classes inside the British Empire, international peace will not linger long."

The trouble that has come in Ireland, in India, and in South Africa is the result of broken promises. Our national word has been especially pledged, not in the name of the Liberal party or of the Opposition party, but in the name of the Sovereign and people of the United Kingdom. By the Liberal party those promises have been broken. If Liberal leaders have sold their own souls, that is their affair. They shall not sell ours. But national pledges cannot be broken with impunity. Unfaith is followed by an aftermath of unfaith. Ireland, India, and South Africa are boiling with angry and passionate resentment against broken faith.

The sins of our rulers are about to be visited upon the people unto the third and fourth generation. The one chance of averting disaster is not blindly to substitute Tory Tapers for Coalition Tadpoles, but honestly to explain to the people the reasons why

Queen Victoria's pledge in our names to the peoples of India compels the rulers of Britain to see that justice is done at all costs to the Indians who have settled under the flag in South Africa. The political party that succeeds in doing that perhaps may lose votes to-day, but later on will govern the British Empire for two generations.

Friendship with India is essential to the continuance of Britain as a world Power. It is not necessary that friends should possess similarity of disposition, nor that friends shall share a common ideal, nor unite in a common belief, nor desire to arrive at the same goal. The factors of similar tastes, dispositions, pursuits, beliefs and aims may cement friendship, but they are not necessary to friendship.

The friendship of separate races and nations is healthy only when it is based on the natural desire of each to prolong its own existence and to maintain its own self-respect. Common antipathies may unite people temporarily by a mutual sense of jeopardy. But there is required than a common hate to cement friendship.

Solemn pledges have been given to the dark millions of Hindustan by England's Kings and Queens. Indians, like the Samurai of Old Japan, have a sense of honour which the knightly soul in all nations understands.

India is held in trust, not by the House of Commons nor by a few bayonets and the Liberal or any other party, but by the affection and consent of the masses. A people's affection is the King's stronghold.

Reuter's correspondent at Delhi reports that Lady Hardinge, the wife of the Viceroy, laid the foundation stone of a new Women's Medical College Hospital there, and, in doing so, said that the Indian native princes had given a sum of £150,000 to this institution as a memorial of Queen Mary's visit to India.

## News in Brief

Since writing his letter of thanks to those sending messages of sympathy on the death of his brothers, Mr. Gandhi has received messages from Pretoria, Germiston and Verulam, for which he wishes to return thanks.

The following names of Transvaal Passive Resisters who did service in Natal during the recent strike were inadvertently omitted from the lists already published :

Mr. Gayadien Maharaj was one of those who unsuccessfully sought arrest as "hawkers," at Germiston, early in October. He subsequently proceeded to Newcastle, where he was arrested at the Courthouse while advising the strikers. He received the usual three months with hard labour, which he served at the Newcastle, Maritzburg and Durban Gaols.

Mr. N. M. Naidoo, another Germistonian, proceeded to Newcastle at the commencement of the strike, and did useful work there and at Hattingspruit. He was with Mr. Gandhi in the great march but was not arrested. He subsequently went on to Durban, whence, in December, he left with a party for the Volksrust Border, where he succeeded in getting three months rigorous, being subsequently released in terms of the agreement. Mr. Naidoo served three terms of imprisonment in the previous campaign.

In the House of Assembly, on Monday, last Mr. MEYLER (Weenen) asked if the Government were prepared to act on the Indian Commission's report. Mr. Smuts (Minister of Finance) said the Government was considering that report, and intended to introduce the legislation this session for the purpose of dealing with it.

"I hear that strong opposition to the repeal of the £3 Tax is coming from some of the Natal Members," writes the Parliamentary Correspondent of the *Natal Mercury*, "but the Union Government owe it to their Liberal friends in the Old Country not to create further trouble for them in India as a climax to the disastrous trouble in Ulster."

Willie, a native, was convicted, in the Native High Court, Natal, the other day, of theft on three counts, and ordered five years' imprisonment, and 20 lashes. He stole a sheet, two coats, a waistcoat, and some papers from various natives in Durban.

The Stationmaster of Nottingham Road, Natal, has been found guilty, by the Magistrate, of kicking an Indian storekeeper whilst on the platform. He was cautioned and discharged, says the *Times of Natal*, the Magistrate remarking that, had the complainant been a European, the affair might have resulted in a fight.

Out of fourteen Indians charged with public violence at the Beneva Estate, Esperanza, during the strike, thirteen were found guilty, says a *Natal Mercury* special telegram. Virasamy, who struck the horse, was sentenced to six months' hard labour, Sheikher to four months' hard labour, and the remainder to three months' hard labour. Samuel was found not guilty, and discharged.

An amount of £5 was collected by Messrs. A. Rensburg and Piet Demons among the Coloured people of Oudtshoorn, and forwarded to Dr. Abdurahman towards the Indian Passive Resistance Fund. In all fifty people contributed to the sum.—A. P. O.

The Indians of Mozambique have made representations regarding the proposed regulations which impose a poll-tax of £8 per year on new immigrants and £1 per

year on the residents of the Province. It is pointed out that only Asiatics are affected. No provision is made for old residents at present in India, who, on their return, will be treated as new comers. Free access from one part of the Province to another is prohibited and those desirous of visiting India are required to return within a fixed period. These regulations are not binding on those Asiatics "whose mode of living is on European principles." The Indian residents of Mozambique point out that their case is quite different from that of British self-governing colonies and they look to the British Government to assist them. The regulations were postponed from January to April of this year by the Lisbon Government.

The Postmaster of Queenstown (says A.P.O.) has notified the Coloured and Native postmen that their services as postmen will have to cease on the 31st March, when the present postmen are to be replaced by Europeans. From enquiries made, we found that the Coloured postmen have always given satisfaction, and we cannot find any justification for the disgraceful step taken by the Postmaster of Queenstown, who was evidently acting under instructions of the Government.

The Christchurch (N.Z.) correspondent of the *Daily Mail* says that the alleged steady influx of Indians into New Zealand is receiving the serious attention of Government. The Premier (Mr. Massey) says that something must be done to prevent the undue influx of Indians and that the matter will be dealt with firmly.

Speaking at his election meeting (says Reuter's Johannesburg correspondent,) Col. Furze, the Independent candidate for Siemert, deprecated the introduction by the Labour Party of colour into their ranks. He would not allow his son to work side-by-side with a "nigger." As long as the "nigger" was kept in his place as a human beast of burden he would be an asset to the country. Once they allowed the native to compete with them there would be disaster ahead. At Capetown the dirty filthy nigger from the docks, fish-covered and so on, was allowed to sit by the side of a decent clean white woman and child. Thanks to the hatred of the old Boer, who, even though he might perhaps commit every crime in the calendar, yet would have no truck with the nigger, the Free State and the Transvaal remained to-day comparatively pure and white.

[Note: We are glad that Col. Furze did not win his election.—Ed. I.O.]

A Reuter telegram to London, dated the 18th instant, from Delhi states that Lord Hardinge, the Viceroy of India, addressing the Vice-Regal Council, referred in detail to the report of the South African Commission on Indian grievances, and said that the report was a very complete and satisfactory attempt at a final solution of a difficult question. He should like to take the opportunity of expressing the warm appreciation of the Government of India of the broad and statesmanlike manner in which these difficult questions had been approached and dealt with by the Commission. He also paid a warm tribute to Sir Benjamin Robertson, Chief Commissioner of the Central Provinces, who represented the Government of India before the Commission. He felt confident, if, as he sincerely hoped would be the case, the recommendations of the Commission were adopted by the Union Government, and were combined with a sympathetic administration of the existing laws, that they would undoubtedly lead to a lasting settlement.