

Indian Opinion

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INDIANS RELIEF BILL

THE following Bill, "to make provision for the redress of certain grievances and the removal of certain disabilities of his Majesty's Indian Subjects in the Union," has just been published:—

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. (1) The Minister of the Interior (hereinafter referred to as the Minister) may from time to time appoint priests of any Indian religion to be marriage officers with authority to solemnise the marriages of Indians in accordance with the rites and formularies of such religion.

(2) A marriage between two Indians solemnised in accordance with such rites and formularies by a marriage officer so appointed shall be a valid and binding marriage, and all the incidents shall follow therefrom which follow from any other union recognised in law as a valid and binding marriage.

(3) A marriage officer appointed under this section shall be under the same obligations of keeping registers and entering therein particulars of marriages solemnised by him as are imposed upon marriage officers appointed under any other law in force in the Province in which those marriages are solemnised, and the provisions of any such law as to the custody and inspection of registers, the obtaining of copies thereof, the evidence of certified copies thereof, the loss, the destruction or falsification of or injury to such registers or such certified copies shall be deemed to be incorporated in this section.

2. (1) If any Indian male or Indian female upon a joint application to any marriage officer (whether appointed under this Act or under any other law) satisfy such officer (a) that there existed at the commencement of this Act between them a union then recognised as a marriage under the tenets of an Indian religion which they profess; and (b) that there does not exist between either of them and any other person a union so recognised as a marriage or any union recognised in law as a marriage; and (c) that each of them is desirous that the union should be regarded as a valid and binding marriage in law, such officer shall, upon being furnished with particulars as to the full name, residence, place of birth and age of each party, and such further particulars as are prescribed by regulations made under this section, register such union in manner so prescribed as a marriage between those parties. Notwithstanding that by the tenets of the religion which the parties profess, polygamous unions are approved or recognised, the said union shall by the fact of registration become, as from the date when it was contracted, a valid and binding marriage between the parties, and all the incidents shall follow therefrom which follow from any other union recognised in law as a valid and binding marriage, and the marriage shall be deemed to have taken place at the place where the union was prior to the registration contracted.

(2) The Minister may make regulations as to the manner in which applications shall be made under this section, the keeping of registers for the purposes thereof, and the particulars to be entered in those registers. The provisions of the marriage laws in force in the Province in which such unions are registered as marriages, so far as those laws relate to the custody and inspection of registers, the obtaining of copies thereof or extracts therefrom, the evidence of certified copies thereof, the loss, destruction or falsification of, or injury to, those registers, certified copies or extracts shall *mutatis mutandis* apply to registers kept under this section.

3. (1) From paragraph (g) of Section 5 of the Immigrants' Regulation Act, 1913 (Act No. 22 of 1913), the following words shall be deleted; that is to say, the words "including the wife or child of a lawful and monogamous marriage duly celebrated according to the rites of any religious faith outside the Union."

(2) In the interpretation of that paragraph, as hereby amended, "the wife" shall include any one woman between whom and the exempted person mentioned therein there exists a union recognised as a marriage under the tenets of an Indian religion, notwithstanding that by those tenets the union of that exempted person with other women at the same time would also be recognised as a marriage; provided that no woman shall be deemed to be the wife of such exempted person, (a) if such a union exists between him and any other woman who resides in any Province; or (b) if such exempted person has in any Province offspring by any other woman who is still living; "the child under the age of 16" shall mean a child who is the offspring of the exempted person and the wife as herein defined.

4. Nothing in the preceding sections in this Act shall be construed as repealing or in any manner modifying the provisions of Sections 65 to 89 inclusive of the Indian Immigration Law, 1891, of Natal (Law No. 25 of 1891), or Act No. 2 of 1907 of Natal.

5. Section 3 of the Indian Immigrants Amendment Act, 1895, is hereby amended by addition to the end of that section of the words "if he applies therefor within 12 months after such expiry."

6. The Minister may in his discretion cause to be provided out of moneys appropriated by Parliament for the purpose a free passage from any port in the Union to any port in India (with or without free conveyance by rail to such first-mentioned port) for any Indian (other than an Indian who is or may become entitled under Law No. 25 of 1891 (Natal), or any amendment thereof, to such free passage) who makes a written request for such free passage, and (a) signs as a condition of the grant of such request a statement that he abandons on behalf of himself and his wife and all minor children (if any) all rights possessed by him or them to enter or reside in any part of the Union, together with all rights incidental to his or their

domicile therein; and (b) furnishes to an officer designated by the Minister such means of identification of such Indian and his wife and minor children (if any) as the Minister may prescribe. A condition so signed shall be conclusive evidence that such Indian and his wife and minor children (if any) have abandoned his or their rights to enter and reside in the Union, and any rights incidental to his or their domicile therein.

7. If in the administration of any law any question arises as to whether an Indian who produces a certificate of former residence or domicile in Natal is identical with an Indian to whom that certificate was granted under a prior law of Natal, then, if a thumb-impression on that certificate is identical with the thumb impression of the Indian who produces it, the certificate shall be conclusive evidence of such Indian's former residence or domicile in Natal.

8. The laws specified in the schedule to this Act are hereby repealed to the extent set out in the fourth column of that schedule, and those provisions of those laws which are hereby repealed shall, in so far as they have been extended to Zululand, cease to be in force therein.

No proceedings shall be taken to recover any moneys which may have become due from any Indian prior to the commencement of this Act under the provisions so repealed.

9. This Act may be cited for all purposes as the Indians Relief Act, 1914.

The schedule gives the following list of the sections to be repealed:—Act No. 17 of 1895, the Indian Immigration Act, 1895, Section 6; Act No. 2 of 1903, to amend the Indian Immigration Amendment Act, 1895, the whole except Sections 1 and 4; Act No. 39 of 1905, to amend Act No. 17 of 1895, the whole; Act No. 19 of 1910, to amend the Indian Immigration Act No. 17 of 1895 and Act No. 2 of 1903, Sections 1 and 3.

References

Paragraph (g) of Section 5 of the Immigrants' Regulation Act, 1913, reads: Any person who is proved to the satisfaction of an immigration officer or, in case of an appeal, to the satisfaction of the board, to be the wife, or the child under the age of sixteen years, of any person exempted by paragraph (f) of this section, including the wife or child of a lawful and monogamous marriage duly celebrated according to the rites of any religious faith outside the Union.

Sections 65 to 89 of Div 25, 1891, provide for the marriage and divorce of indentured Indians.

Act 2 of 1907 (Natal) provides for the registration of existing marriages by the Protector.

Section 3 of Act 17 of 1895 is as follows:—Every Indian desiring to return to India on the expiry of the first or any subsequent period of his service under any contract of indenture or re-indenture entered into under the laws for the time being in force shall be provided by the Indian Immigration Trust Board with a free passage to India.

Section 6 of Act 17 of 1895 provides for the annual licence of £3 to be taken out by those who fail to return to India.

Section 1 of Act 2 of 1903 makes Act 17 of 1895 apply to the children of Indian immigrants. Section 2 enables a child to receive a free passage to India at the end of the term of indenture of his father or mother.

Act 39 of 1905 provides for the method of payment of the licence, etc.

Section 1 of Act 19 of 1910 allows a Magistrate to relieve Indian women from payment of the licence money upon grounds of ill-health, old age, or for other just cause. Section 3 provides for the suspension of payment of arrears during the period of re-indenture or contract of service.

Judge's Remarks on Indian Evidence

Some rather strong observations regarding the credibility of Indian witnesses were made by Judge and counsel in the Witwatersrand Local Division yesterday (says the *Transvaal Leader* of the 23rd inst.). The case was one in which an Indian applied for the sequestration of a compatriot's estate and the latter resisted an order on the ground that the applicant was not a creditor to the amount of £50 as provided by the Insolvency Law.

Mr. Justice Mason remarked that the evidence in support of the respondent's case was what one very often found in Indian cases. There generally seemed a number of witnesses for one side fortuitously at hand when the opposite side gave away its whole case.

Mr. Greenberg: The same criticism would apply to the applicant's witnesses.

His Lordship: Not altogether. There is Dr. Godfrey's evidence.

Mr. Greenberg: I don't know Dr. Godfrey, but his evidence would be as much exposed to criticism as that of any other witness. I should like to cross-examine him on the statements he makes.

His Lordship: But the evidence on affidavit is overwhelmingly against you, and your own evidence is of the character you describe.

Mr. Greenberg: Does the possession of a medical degree affect what, according to your Lordship, are national characteristics?

His Lordship: I think it does. I was referring to a certain class.

In giving judgment, Mr. Justice Mason said that the respondent's case was that, in order to defeat other creditors, the applicant agreed with him to take over certain goods in reduction of his debt, and that that was done. In support of that, the respondent produced witnesses who conveniently happened to be present when the agreement was made, although the parties making it must have known that the arrangement was one which would be somewhat open to criticism in the eyes of the law. Then there were two more witnesses who happened to come on the scene when the arrangements were being carried out, and who seemed to know all about the collusive agreement. Now, these were coincidences which, if true, were of a remarkable character. Unfortunately, however, these coincidences so often appeared in Indian cases. They had got to face that fact.

On the above subject, Mr. A. M. Cachalia, the Chairman of the British Indian Association, addressed the following letter to the *Transvaal Leader*, under date the 23rd ultimo:—

In your to-day's issue of the *Leader*, you publish certain remarks made by Mr. Justice Mason, to which you give the headings "Credibility of Evidence", "Judge's Remarks on Indians."

I have no desire in any way to controvert His Lordship's statement which may be justified by the facts brought to his notice from time to time, but it should be well understood by the public that Mr. Justice Mason confined his remarks to a certain class of Indians only, whom my Association has no desire to direct from such criticism. He did not, as Mr. Greenberg appeared to suppose, condemn Indian evidence on national or racial grounds at all. There are also certain classes of non-Indians equally guilty of attempts to mislead the Court, but I do not presume that in similar circumstances you would speak of the Judge's remarks on Europeans. It is notorious that lawyers, like doctors, see mainly the steamy side of life, and they will necessarily draw conclusions from what they see. In spite, however, of what might have been to a less just man a strong temptation to exaggerate, Mr. Justice Mason confined his remarks to that section of the

community which he believed to be guilty, and did not level an indictment against the whole of the Indian community as one might suppose from the first few lines of your report.

I trust that you will find space for this letter in order to remove any wrong impression that might have been created.

From the Editor's Chair

THE RELIEF BILL

THE long-expected Indian Bill has now been published. We reproduce the full text with the schedule. It is a simple and short measure and seems to carry out the recommendations of the Indian Commission in so far as legislative action is necessary. The Bill removes the marriage difficulty and restores the status as it existed before the Searle judgment. It repeals the £3 tax and remits the unpaid arrears. Lastly, it validates Natal certificates of domicile, if the owner can establish his identity with the certificate by proving that the thumb-impression on it is his own. There is another clause in the bill with which the community is not concerned. It is the clause which enables the Government to give a free passage to any Indian not otherwise provided for if he renounces for himself and his family all claim to domicile in Natal or any other province of the Union.

There are certain alterations necessary in the Bill. It will be a proper thing to use for validating future unions the machinery provided in the Bill for validating existing unions. Amendment will also be necessary for protecting the children of deceased wives, where such wives, if alive, could have been recognised under the present Bill.

Assuming that the Bill with the suggested alterations becomes law, there will still remain the other matters recommended by the Commission and the matters covered by Mr. Cachalia's and Mr. Gandhi's letters. These require administrative treatment and include the Free State question, the Cape entry and the administration of existing laws. If satisfactory assurances are issued in connection with them, the struggle that has gone on for years, and that has meant enormous losses and sufferings to the community, may be said to have fitly and honourably closed.

The Madras League

A meeting of the Executive Committee of the Madras League was held on the 24th February, with the Lord Bishop in the chair.

Among those present were the Lord Bishop, Rev. Dr. Lazarus, Khan Bahadur Walji Lalji, Rev. J. Bittman, Rev. T. Subramaniam, Dr. M. Krishnaswami Iyer, Mr. Yakub Hossain Sait, Mr. G. A. Natesan, Mr. P. Krishnaswami Chettiar and Mr. C. P. Ramswami Iyer.

It was resolved that £800 be remitted to Mr. Gandhi, making a total of £3,800 up to date remitted to South Africa.

It was also resolved that the Hon. Mr. Gokhale, the Rt. Rev. the Lord Bishop of Madras, the Hon. Azad Ali Khan, the Hon. V. S. Srinivasa Sastri and the Hon. B. N. Sarma be requested to constitute themselves as a deputation, headed by the Lord Bishop, the President of the League, and authorised to do whatever they think necessary to present the case for the Indians in South Africa both before the authorities in England and the British public at large.

Comments on the Bill

The *Natal Mercury*, in a leading article, says:—

By the courtesy of the Secretary of the Interior we have been supplied with an advance copy of the Indian Relief Bill, which the Minister lately announced his intention of introducing for the approval of Parliament in the present session. . . . The Bill will not meet with general approbation from Natalians. In regard to the question of the repeal or retention of the £3 annual licence, opinion is sharply divided amongst the members of Parliament for the Province, amongst the employers of Indian labour and amongst the local European community. The measure may be expected to provoke a considerable amount of discussion inside and outside the Legislature. It is to be presumed that the Government, in bringing forward so contentious a legislative project at this late period of the session, are impelled thereto by some honourable obligation they have taken upon themselves with the Imperial and Indian Governments, as well as by the desire to appease those feelings of discontent which culminated in the recent strike of coolies. The Imperial and Indian Governments have accepted the recommendations of the Indian Commission as a satisfactory basis for a settlement of the major grievances alleged by the leaders of the Indian population at the time of the strike. The enactment of the Bill would be facilitated, if it be made clear by those who speak in the name of the Natal Indians that the concessions now being offered to them will be received as removing all ground for further agitation of the kind which embarrassed the Transvaal Government some years ago, and dislocated the industrial activities of Natal towards the end of last year.

The most important clause of the Bill, although it is reserved to the end of the text, is that under which it is proposed to repeal the so-called £3 tax, which is more correctly described as the yearly pass or licence required to be paid for by those imported Indians who desire to remain in Natal after the expiration of their terms of indenture. In now proposing to abolish the tax, it is provided that no proceedings shall be taken for the recovery of arrears; and, under Clause 6 of the Bill, the Minister is to be allowed a discretion as to extending the privilege of a free pass back to India. It is possible that the abolition of the tax may do more to facilitate the return of Indians to India than its retention under the conditions hitherto existing.

In regard to the amendments proposed in the marriage laws, the Government are simply doing what equity requires. . . . The grievance of the Indians in this regard was agitated as only second in importance to their aversion to the £3 tax. . . . The Bill thus deals with the main points on which the Indians have been seeking relief. It leaves untouched certain questions that come more directly within the range of official administration, but we assume that the Government, having gone as far as they are going in this Bill to act justly and generously towards the Indian population, are disposed to deal sympathetically with the general position of the Indians, as far as European sentiment will allow, recognising that in this matter they have to study the interests of the Empire as well as of South Africa. Probably, we shall find that the hopes of this proving a final settlement of the Indian question will not be fulfilled. By certain influential members of the Indian race, such as Sir M. Bhownaggee, claims have been formulated on their behalf which, although they have not been expressly put forward by local Indians, have not been expressly renounced by them. Should these extravagant claims be advanced in South Africa, the European public will know how to deal with them. For the present, it is enough to know that the Union Government are prepared to grant to the local Indian community such concessions as the Imperial

Government and the Indian Government consider would be a satisfaction of legitimate claims, and a reasonable alleviation of grievances.

"Natal Advertiser"

It may possibly, and will probably, come out later how far the Bill represents a final private agreement between Government and leaders of certain sections of the South African Indian community for the cessation of Passive Resistance movements and so forth, or how far it is simply a pacificatory measure tendered the Indian community generally. It is not even possible, as yet, to know whether this is intended as a final concession to all alleged Indian grievances, or whether there are other Bills to follow, dealing with other points.

It will be interesting to learn to what extent the local Indian community is content with this measure.

"Cape Times"

The marriage question, in its various aspects, has been the cause of even deeper resentment than the £3 licence (says the *Cape Times*). The new Bill makes what we trust the Indian community will recognise as a serious and well-considered attempt to provide a remedy. In the first place, provision is made for the appointment of priests of any Indian religion to be marriage officers, with authority to solemnise the marriage of Indians in accordance with the rites and formularies of such religion. A marriage so solemnised between two Indians will be recognised by the law of the Union as a valid and binding marriage, and "all the incidents shall follow therefrom" which follow from any other legally recognised union. Retrospectively, *de facto* monogamous marriages contracted before the passage of this Act will be validated on registration upon a joint application of the two parties to any marriage officer, conditionally, of course, on the production of satisfactory evidence that the union is in fact monogamous, though "by the tenets of the religion which the parties profess, polygamous unions are approved or recognised." Finally, the knot in which the Union Legislature contrived to tie itself in connection with the entry into the Union of the wives and children of domiciled Indians is unloosed.

Under the Immigration Act of last year domiciled Indians were excluded from the list of prohibited immigrants, and the intention was to admit one wife and the children of that wife. Unfortunately the pertinent clause in the Act of 1913 spoke of "the wife or child of a lawful and monogamous marriage, duly celebrated according to the rites of any religious faith outside the Union;" and the Courts promptly declared that a "lawful and monogamous marriage duly celebrated" in this fashion was a contradiction in terms, as no marriage properly to be classified as monogamous could be celebrated by the rites of a religion permitting polygamy. The new Bill deletes the passage we have quoted above, and simply excludes from the list of prohibited immigrants a woman who can prove to the satisfaction of the authorities administering the Immigration Act that she is the wife of a domiciled Indian. "The wife" is interpreted to "include any one woman between whom and the exempted person there exists a union recognised as a marriage under the tenets of an Indian religion, notwithstanding that by these tenets the union of that exempted person with other women at the same time would also be recognised as a marriage: provided that no woman shall be deemed to be the wife of such exempted person (a) if such a union exists between him and any other woman who resides in any Province: or (b) if such exempted person has in any Province offspring by any other woman who is still living." In other words, a domiciled Indian can legally bring in one wife and her children up to the age of sixteen, even though the union is not technically monogamous, so long as he has not another wife or

children residing in the Union. This, of course, does not give legal recognition to polygamy; but it removes the practical hardship of the bar against the entry into the Union of one wife on the score of her technical non-conformity with the legal definition of monogamy. Finally, it should be understood that, so far as domiciled Indians within the Union are concerned, they can go through the form of marriage, if they so choose, before a priest who is not a marriage officer, with one or more women after their first marriage has been registered, though these women cannot be recognised as having a legal status under the law of the Union. They are not penalised as bigamists: for it is admitted that by their religion they are not bigamous: all the Union law stipulates is that it shall only be asked to recognise for its purposes one woman, though she also has been married according to the formularies of a religion the tenets of which permit polygamy. It will be seen that the Government, following the Solomon Commission, has studiously endeavoured to avoid all semblance of disrespect for the religion of either the Hindu or the Mohammedan, and it is hoped that the leaders of the Indian community will realise this is the case.

"Transvaal Leader"

The Bill should effect a settlement of a difficulty which has harassed the Government and the public of South Africa for many years. There is hope, indeed, that we are about to witness the last appearance of this tiresome and troublesome controversy on the legislative stage. Messrs. Gandhi and Polak, on behalf of the aggrieved population, have bestowed a cautious benison on the Bill. It would still be too much to suppose that the carefully-balanced course which the Bill prescribes, between tolerance of polygamy, on the one hand, and observance of monogamy, on the other, will satisfy the extremists. None the less, we feel assured that the Bill will have a fair reception at the hands of the Indian community as a whole, and that it constitutes a genuine vindication of the spirit of moderation and good sense amongst the adherents on both sides of an extremely vexatious and perplexing controversy. It is naturally the function of the Bill to remove the grievances which provoked the recrudescence of the passive resistance campaign of last year.

An interesting feature of the statement is the insertion of a clause enabling the Minister, in his discretion, to grant to "free" Indians passages to India, gratis, on their written request. Such applicants will be required to sign a statement relinquishing, on behalf of themselves, their wives, and minor children, the right to re-enter or reside in any part of the Union. The clause dealing with this offer can only be regarded as embodying a pious hope. But, if there are, as has been suggested, a number of the Indian community to whom the "settlement" contained in the new Bill is unacceptable, it will obviously be open to them to take advantage of the offer.

"Rand Daily Mail"

This measure will, it is hoped, constitute a final settlement between Mr. Gandhi and his followers and the Union Government, and thus end the passive resistance idea for all time (says the *Rand Daily Mail*). The two most troublesome points outstanding were the £3 tax in Natal, and the legalisation of Indian marriages. The tax has been swept away entirely by the new measure. Its elimination will be regretted only by a few Natal planters, who looked upon it as a sort of thumb-screw, forcing contract coolies to reindenture after their first period of service was over. Indeed the tax was levied for that express purpose. It meant that the coolie had either to re-indenture, or to pay a tax of great severity considering his probable earnings as a free man, or to leave South Africa for good. An unpleasant feature of the law was that it applied to women and

girls as well as to men and boys over sixteen. The removal of the tax will, of course, satisfy the Indians, especially as the Bill guards against any attempt to recover money due under the old law. The marriage question is a complicated one, and it is reported that some of the Mohammedans are still dissatisfied with the Government's policy. The concession embodied in the draft Bill will, however, meet the wishes of the mass of the British Indians in the Union.

Upon other points it seems to us that the recommendations of the recent Commission have also been freely accepted by the Government, and that Indian grievances generally have been fairly met. The measure should pass through Parliament rapidly, and without serious opposition. The subject is one of which most people are weary. The dispute has dragged on for years, and the general feeling will be one of thankfulness that a settlement has been reached, and that there is little likelihood of the Indian trouble again becoming acute. Broadly speaking, the influx of further Indians into the Union is prevented, whilst the rights of those within the country have been secured. One clause is interesting, and will be popular with the white population. It enables the Government to grant free passages to India to all Indians who agree to leave the country for good and abandon all the rights they acquired within it. Whether the free passage bait will be swallowed by any considerable number of Indians remains to be seen, but, if it is, the cost of the concession will certainly not be grudged by the white population. The offer might well be brought to the notice of all British Indians who are not satisfied with South African conditions. They will be able to escape from them at the expense of the Government.

Mr. Polak Interviewed

Johannesburg, May 28 (Reuter).—Mr. Polak, in an interview with Reuter's, states that the Bill to be introduced deals with two of the points on which passive resistance was based which could be dealt with by statute—the Natal tax and the validation of monogamous marriages. He had received a telegram from Mr. Gandhi, stating that the Bill appeared to be satisfactory.

In order, however, to comply with the requirements of the passive resisters, Mr. Polak said that it would be necessary to get assurances from the Minister as to more sympathy in the administration of the Immigration Act, and to due regard being given to vested interests in the application of the Gold and Licensing laws. He further pointed out that the acceptance of the present Bill with every measure of thankfulness did not mean the abrogation of the general claim of civil equality in South Africa. The remaining two points, the right of South African-born Indians to enter the Cape and the declaration on the entrance into the Free State, Mr. Polak described as small matters of administration.

Greyville Unionist Opinion

The Greyville (Durban) Unionist Club resolved to discuss the Indians Relief Bill.

Clause I was approved of, with the proviso: "Provided the same (rites and formulaens) are in accordance with the British marriage laws." The succeeding clauses were approved of, and the following resolution was carried unanimously, after an animated discussion:—

Mr. J. Berry proposed, and Mr. A. Grassick seconded: "That, in view of the laxity of the Natal Government in collecting the £3 tax, this meeting agrees with Clause 8 (remitting any arrears), but asserts positively that the £3 tax should be collected in the future by the Union Government."

Justice for Asiatics

In the appeal of one Hoosen against the Crown, heard in the Natal Division of the Supreme Court on February 9th last and now reported in the recently published issue of the Natal Law Reports, the Court allowed the appeal and quashed the conviction on the ground that the Appellant had been deprived by the Magistrate of the benefit of legal assistance and advice in meeting the charge made against him. His defence necessitated an argument upon certain points of law as to the validity of the contract of service of the Indian whom the Appellant was alleged to have "harboured," and the Magistrate refused to grant a postponement of the case, which the accused had applied for on the ground that his counsel was engaged in another Court. In delivering a concurring judgment, Mr. Justice Carter said, "I think that, in a time like the present, when there is so much outcry that Asiatics do not receive the justice that they ought to receive, there is all the more reason why one should accede to an application of this sort for a postponement so that no one can be heard to say that an Asiatic, or any other man, when brought before the Court, was not allowed an opportunity of being properly heard."

A Passive Resister

A writer in the *Christian Commonwealth* thus describes the trial of Mr. Nevinson, the famous war correspondent, and others who were arrested whilst making a public protest against the treatment of suffragist prisoners:—

When, last Wednesday morning, Mr. Nevinson, with his bronzed face, grey hair and iron frame, faced the Magistrate, he cut a dignified and even noble figure. In simple, straightforward language he paid tribute to Sir John Dickinson's sense of justice and of common humanity, and expressed the opinion that but for his official position he would be in the dock beside him:—

"For I am here to protest against the brutality of the Government towards women prisoners, and I shall continue to protest as long as I possibly can, in every way that seems to me just. I have had a long and varied career, I have tried to do the State some service, but I have never been prouder in that career than I am to-day, standing here in protest against the treatment of women political offenders. . . . You can, of course, imprison me, and do what you like, but you cannot imprison the cause, and you cannot imprison the indignant protest that rises in the hearts of all honourable and humane people against the Government in this matter."

I never heard anything finer or more impressive, and never did I admire any man more than I did the speaker of those brave, manly sentences. It seemed to me that the judge braced himself up to make an adequate defence—for, beyond question, not the prisoner, but the authorities were on trial—but all he could say was that the law must be maintained, and that those who break it set the very worst example human beings could possibly set. The sentence was that the accused be bound over in £5 to keep the peace for six months. "I refuse to be bound over," said Mr. Nevinson, quietly, as he stepped out of the dock.

Later in the day the "prisoners" who had deliberately and in concert broken the law and refused to be "bound over for six months," or any period whatever, were unconditionally released; What is the meaning of it all, and what is to be the end of it? As Mr. Nevinson told the Magistrate, "It is a very serious thing in any State when men and women of character, who have tried to do their best in life, should regard it as the greatest honour in their lives to be arrested as the result of a protest against the Government."

News in Brief

In the House of Assembly, on Monday, Mr. Smuts gave notice that the next day he would move for leave to introduce the Indians Relief Bill

The farmers in the House are getting restive (says the *Natal Mercury's* representative in Parliament), especially as the newspapers contain news of rains in various parts of the country. About the 20th of June will, I believe, be as late as the Government can keep them. The Estimates are not yet touched, and the Government will have bother enough to get these through without trying to despatch more work this session. They will endeavour to amend the law relating to Asiatics in order to avoid Imperial complications. Mr. Gandhi has arrived for consultation on this matter. But the whole of the industrial programme may be taken as dead, and some hard work has been done upon it in the various select committees.

A memorial has been presented to the Durban Town Council from West Street hairdressers protesting against premises being let to Indians for hairdressing businesses. The matter was referred to the Whole Council Committee.

Speaking in the House of Assembly on Thursday night, Mr. Jagger attacked the sugar industry of Natal, complaining that the advantages it enjoyed at the expense of the tax-payer amounted to £613,000, of which £225,000 was in respect of differential railway rates. Yet, all that this monopolist industry, run by coolie labour, paid into the Treasury was £73,000.

Messrs. Goodricke and Laughton, Solicitors, have received the following letter from the Acting Principal Immigration Officer (Natal):—"Referring to your letter of the 2nd instant, I have now the honour to inform you that I have been authorised by the Minister of the Interior to waive the necessity for the production of photographs of the Mahomedan woman referred to by you, provided local evidence of the marriage to my satisfaction is produced, and I shall be glad if you will instruct your clients accordingly."

The Mayor of Harrismith, in his annual Minute, says: "I feel it incumbent on me to make special reference in this Minute to the active interest taken by Councillor Bornman and his Vigilance Committee in regard to the exclusion of Asiatics from this Province, and the preservation of the old Free State law in this regard. Mr. Bornman has shown that he is fully alive to the dangers which abound in connection with the Asiatic question, and the whole town and district is in sympathy with his views. Correspondence has been exchanged with the Volksrust Vigilance Committee, and, as a result, certain resolutions were framed by Mr. Bornman's Committee and submitted to Government, the object being to impress upon the latter the serious menace which exists in regard to this troublesome question."

Reuter's correspondent at Ottawa reports that the Government was interrogated in the Canadian House of Commons as regards the action they had taken in the case of the Hindus detained at Victoria, British Columbia, aboard the *Komagata Maru*. Mr. Borden, the Premier, in reply, said that 20 had been admitted on the ground that they were returning to Canada, and several had been excluded as the result of the physical test. Regarding the others, the law and regulations would be enforced. Asked whether, if application were

made to the Courts for a *habeas corpus*, the Government would rest their case on the ground that the Courts had no jurisdiction, Mr. Borden said that, if application were made to the Courts, the Government would resist it through counsel.

"The existence of the Army and Navy is the price we have to pay for the still remaining relics of barbarism which exist in the relations of one State to another. The more uneducated and aloof from general enlightenment you can keep them, the better disciplined and the more effective will they be.—Mr. Ponsonby, M.P. in the *Contemporary Review*."

A European Solicitor of Nairobi, British East Africa, said to an interviewer:—"There is no labour market for skilled British artisans. The railway is run by Indians under white overseers, and they do a lot of the trade of the place, there being only a few large European stores in Nairobi. The majority of planters and land-owners welcome an Indian store-keeper on their estates, in order to meet the needs of the natives and their own. There are no white men in the country of the small trader type, the majority having either University or at least public school education. Indians are restricted in this way: They are not allowed to hold land for themselves on any account whatever, although in the early days in Nairobi land was granted them for an Indian bazaar."

What is the economic difference between a "strike" and a "shortage of native labour"? (asks a correspondent to the *Star*). The main difference that I see is that the "shortage" is much more effective, from the workers' point of view, than the "strike." The white men's "strike" has not raised white wages a penny piece in the last fifteen years. The native's "shortage" has raised native wages very considerably. The more the mines depend on native labour, the more they will be in the power of labourers who cannot be starved out by the employer. All the recruiting arrangements and agreements and Acts of Parliament of years have not stopped the advance of native wages in the past, and they will not in the future. The native is learning his power and he is going to use it. The "silent strike" is his weapon.

"Lean upon the Government," said Mr. Quinn in the House of Assembly the other day, "is the motto of every Protectionist." And he illustrated his statement (says the Parliamentary correspondent of the *Natal Mercury*) from the case of the match factory, which was able last year to give up £25,000 from its profits, without increasing its prices. This was the result of a stiff duty, which enabled the undertaking to become a trust. Under this system, the public, said Mr. Quinn, were over-charged to the extent of a florin on every gross of matches they bought. The State would gain, said Mr. Quinn, by cancelling the duty, and pensioning off the 200 white employes for life at £200 a piece per year. The wiping out of the protected sugar industry, it appears, could be done on still more liberal terms as regards the Europeans in it, and yield a still bigger relief. If the unfortunate buyers of Natal sugar were to club together to provide the sugar-growers and their white employes a pension of £500 apiece, they would still be saving £1,000 per man, provided they were allowed to import their sugar free. These two so-called industries—the matches and the sugar—illustrated, said Mr. Quinn, the general law of protection. First comes the duty, then the trust, and after that the people pay—"every time and all the time."