

Indian Opinion

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PRESS COMMENTS ON THE DEBATE

THE South African Press on the whole is in favour of the Indian Relief Bill. The *Natal Mercury* says, in the course of a leading article:

The full significance of the Premier's confession that the Ministry feel under obligation in the matter opens up an interesting field of conjecture. The Bill is based on the recommendations of a Commission of their own appointment, but it is no rare thing for the reports of Commissions of Inquiry to be shelved. Of course, there are special reasons why a different treatment should be accorded to the report of the Indian Grievances Commission.

It cannot be doubted that, in the grievances alleged, the Natal Indians had the sympathy of the Imperial Government and the Government of India. These authorities accepted the report of the Commission as pointing the way towards a reasonable remedy of the pressing and legitimate grievances of the Indian population of this Province. Whether the Union Government have given the Imperial and Indian authorities a firm undertaking to carry out the proposals of the Grievances Commission we cannot say; but it can be easily understood, in view of all that has happened, that they should feel morally compelled to vindicate to the satisfaction of all concerned their good faith in appointing the Commission, and their sincere desire to deal equitably with the domiciled Indians.

The only clause of the Bill on which serious debate was raised in the Assembly was that which provides for the abolition of the £3 annual tax or licence, and for the cancellation of arrears payments.

In our view, the Government have taken the proper course in deciding the question at issue for themselves, and it affords us pleasure to be able to say that we are in entire accord with their proposals.

Mr. Smuts referred to the question of the tax as having been raised in September last for the first time. The truth is that it has been a burning question in Natal for at least six years.

For our part, we are not satisfied that the tax has had any considerable influence on repatriation. Some statistics on this point were cited by Mr. Clayton, but they are not convincing. The volume of repatriation has fluctuated from year to year for reasons which are incapable of explanation; and we believe that very few Indians have given it to be understood that they were being driven away by the pressure of the £3 tax. In recent weeks there has been a noticeable efflux of Indians from Natal to India, and it is difficult to see how this could be attributed to the £3 tax, having regard to the fact that its collection was suspended, and there was a fairly assured prospect of its repeal. Those who imagine that the abolition of the tax will stop the tide of repatriation overlook the fact that the present Bill provides additional facilities for a free passage back to India to those who wish to return. As the tax has had comparatively little effect in driving Indians away, so we believe that its abolition will have little effect upon the

present situation. Why, then, abolish the tax? it may be asked. We think it should be abolished because its operation has proved doubly unsatisfactory. It has not been consistently enforced, and the revenue it has produced is of negligible amount. When enforced, it has been attended with hardships which the law was never meant to inflict. It has provided the Indians with a grievance which has been exploited here and in India in a manner embarrassing to the South African authorities and to the Empire. The balance of advantage lies in getting rid of this irritating impost. It rests with the Union authorities to see that the concession implied in its abolition is not made the lever for demands which the Indian Government does not countenance and the European population of South Africa will not entertain.

In an article dealing with the question of Indians in the Empire, the *Natal Mercury* says:—

Unfortunately, it is impossible for us in this country to approach the Indian question from the same starting-point as Canada, Australia and New Zealand are able to approach it. In Natal, we have deliberately brought the Indians amongst us for our own advantage. We have permitted many thousands of them to acquire domicile, to acquire land, and to rear families, until they now outnumber the Europeans in this Province by almost 50 per cent. The benefit which Natal derived from the importation of Indian labourers is apt to be disputed nowadays, but it has been unhesitatingly declared by official commissions that the introduction of these people saved the Colony from impending bankruptcy and brought prosperity to its people. If it were admitted that Natal might have been better off without the Indians, this would not alter the fact that we brought them here of our own choice, and have permitted them to flourish and multiply in our midst. We can now put a stop to further immigration from India, but we cannot divest ourselves of the moral obligation to deal fairly and equitably with those Indians who have settled amongst us—first, with our encouragement, and subsequently with our consent. All that Mr. Smuts's Bill proposes to do is to provide for the fulfilment of this moral obligation. Its main purpose is to remove grievances which we think the resident Indians are entitled to urge. Amongst these is the £3 tax, which has been farcical in its application, and has been a cause of hardship to a large number of Indians. Another grievance is the legal bar upon the recognition of *de facto* monogamous Indian marriages—a disability which, indeed, the Legislature did not intend to inflict. While these specific local grievances are being remedied, the great problem of Indian status is not being touched. As General Botha said, "The Bill does not deal with the general aspect at all."

"Cape Times"

The Indian Commission, it will be remembered (says the *Cape Times*), had a personnel which was so far from being plainly biased in favour of the Indians, that the Indians themselves were persuaded that the contrary was the truth. The President (Sir William Solomon) they were willing to accept, but Mr. Esselen and Colonel Wylie they would have nothing to do with. Yet the Commission unanimously recommended the two changes to which we have alluded above, and now we have Sir Aubrey Woolls-Sampson coming forward with the suggestion that, if the £3 licence is abolished, the most dreadful things are certain to happen. The natives are sure to take the concession as a sign of weakness: they will conclude that, if only they adopt the methods of the Indians and press home their demands after the fashion of Mr. Gandhi, the Government will capitulate: and in the end we shall have a stand-up fight between the whites and the natives. The best answer to this is the answer given by Sir David Hunter to the Indian Commission, when he was asked whether it was opportune to abolish the £3 licence. "It is never inopportune to do what is right," said Sir David. If the natives have any grievance on all fours with the £3 licence, then the sooner it is removed the better. On the other hand, if the £3 licence is in no way analogous to the taxes imposed on the natives, then surely it is monstrous on the part of members of the Union Parliament to put ideas of this kind into their heads. And the monstrosity is the more extraordinary in the member for Braamfontein, because we might have expected, in the case of a South African once inclined to a somewhat blatant Jingoism, that he would have been saved from an exhibition of prejudice which, as Mr. Merriman said, amounts to as "great a disservice" to the Empire as he could possibly contrive. Such are the consequences, fortunately more ludicrous than important, of an incorrigible tendency to rhetorical strut.

The opposition of the majority of the Natal members to the abandonment of the £3 tax is more explicable, and, inasmuch as it was not voiced with the unconscionable conceit of the member for Braamfontein, less offensive. Nevertheless the display from the Natal side—with the exception of Mr. Meyler, with whom we seldom find ourselves in agreement, but who on this occasion was wholly reasonable—was sadly self-centred and parochial. Mr. Merriman put the matter in a nutshell when he said they were anxious to keep the Indians in Natal for their own purposes, but only on condition that they submit to disabilities not common to the rest of the community. . . . The exaction of the licence, even from children born in Natal, so soon as they reached the age of thirteen, shows how the system was intended to work. Again, one Natal member after another yesterday deplored the fact that the Province had now 140,000 Indians, who were multiplying rapidly. Well, the fact is undoubtedly deplorable from the point of view of the white population of Natal but the white population brought the Indians over, and, even after the Indian Government had prohibited further emigration, the planters were anxious to have the embargo removed. It is utterly absurd to suppose that the continuance of the £3 licence tax would make any appreciable difference in the position. Either the Union must be prepared to go in for a wholesale system of repatriation, or the numerical preponderance of Indians in the Province is certain to increase. But in the latter case the Union is bound to treat the Indian population justly and even if we admit that the agitation against the licence has been fanned from India for political reasons, that does not show that the impost is itself defensible. The Natal members insist that with the passage of the present Bill the Indians will merely be stimulated to ask for more. All one need say on that score is that the Viceroy of India has publicly declared that, if the recommendations of the Commission are

carried out, the Government of India is prepared to acknowledge that the Union Government has made the best of a difficult situation. The Indian problem of a surety will not be completely solved either here or in India, but the Union will be rid of the responsibility of refusing to make a contribution to the solution which was clearly required, alike by policy, justice and equity, and which was long overdue.

"Cape Argus"

The *Cape Argus* refers to the opposition of the Natal Members: Their attitude all through was pettifogging and parochial. Yet there is little doubt that the vast majority of the public of South Africa will see that this Bill makes no radical change in the status of the British Indian in South Africa, but merely does what is fair and reasonable in regard to the redress of certain grievances. It may even be questioned whether the disinterested section of the public in Natal are opposed to the recommendations of the Indian Enquiry Commission in general or the repeal of the £3 tax—the single bone of contention in yesterday's debate—in particular. So far as can be gathered, the only people who really want this tax maintained and enforced are certain extremely influential employers of Indian labour—sugar planters and others—whose motto seems to be: "Perish the Empire but give, oh give us, cheap labour."

They only want the tax enforced in the belief that it will induce Indians who stay in South Africa to re-indenture themselves. One member let the cat out of the bag when he explained that what Natal strongly objected to was the presence in Natal of free Indian labour. In other words, the employers of Indian labour are not anxious to see the Indians repatriated—and to represent the contrary is sheer hypocrisy—but they want Indian labour on their own terms. The simple answer must be that they cannot have it. . . . Sir Aubrey Woolls-Sampson, with whom the dread of black or coloured supremacy amounts almost to an obsession, had early in the debate inveighed against the bad effect which any concessions to the Indians, after their late campaign of calumny and resistance, would have on the native population; and this point was considerably laboured by subsequent speakers. But Mr. Drummond Chaplin furnished the appropriate answer when he pointed out that the Government had had their attention drawn to this possibility by the Commission, and, whatever the risk might be, had decided that it could fairly be taken. As a matter of fact, the action of the Indian leaders in suspending their passive resistance campaign as soon as the general strike was threatened made it possible for the Government to undertake the investigation of grievances without its being supposed that they had yielded to menaces. These objections on the ground of general policy was to the effect that the idea that peace will result from the concessions is illusory, and that the Indian leaders will go on to demand full citizen rights. . . . However, whether the settlement should prove to be final or not, it can hardly be considered wise to refuse to concede what is reasonable, for fear that something that is unreasonable or, at all events, impracticable may be demanded in the future. "Be just and fear not" is a sound axiom for statesmen, and the unexpectedly large majority by which the Bill was carried is a welcome proof that the Parliament of the Union is ready to support the Government in doing the right thing, regardless of remotely possible consequences.

"The Star"

The *Star* says: We are not so sanguine as to believe that the Bill will solve all the difficulties arising from the presence in the Union of many thousands of British Indians, and ensure permanent peace. The authors of the Bill, in fact, do not profess to claim that their measure will achieve any such result. Once the Bill

becomes law, however, the more serious of the existing grievances, due to statutory enactments and to interpretation placed on these enactments by the Supreme Court, will be permanently removed, while, as regards minor causes of friction, the Minister sees a prospect of redressing these through administrative action on the lines indicated in the correspondence which has passed between himself and the Asiatic leaders. South Africa has now a chance of effecting a general settlement of the more vexed of the outstanding questions on a basis which meets with the approval of the Imperial Government, the Government of India and, we believe, of the vast majority of the British Indian section of the population. Rightly or wrongly, our Natal friends fear, or profess to fear, that, once the £3 tax is abolished, under Mr. Smuts's Bill, those indentured labourers will almost unanimously elect, not only to remain permanently in the Province, but to exercise their right to roam all over the country, with disastrous consequences to the white population. We venture to think that these fears are wholly exaggerated. In our belief the worst that is likely to happen is that the more intelligent and more indispensable of them will demand rather higher wages than they have been obtaining hitherto from planters, colliery-owners and other employers. We hope and believe that, once the tax is removed, it will be found that those coolies who refuse to return to India at the expense of the Indian Immigration Board are not at all inclined to flock into the towns or to overrun rural districts away from the seaboard. Few of them are of the adventurous and enterprising class who develop into small traders, and it is probable that, with comparatively few exceptions, they will find the class of labour to which they have been accustomed to be most congenial and most remunerative to them.

"Natal Witness"

The Relief Bill (says the *Witness*) is merely a palliative. It gets rid of an inconvenience without getting rid of the cause. The surrender of South African rights under the Bill is only to be condoned on the understanding that the measure represents the extreme limit of conciliation. Should there be a recrudescence of "grievances" it will be the measure of the weakness of the Government, not of the wrongs of the Indian. The only saving grace is in respect of the marriage law amendment, which certainly removes the origin of much unnecessary litigation.

London Press Comments

London, June 9th.—The *Daily News* says that the attitude and speeches of the Natal members explain the discontent which exists amongst the long-suffering Indians in Natal. It is, however, confident that at the last resort the Union Government is strong enough to peremptorily overrule Natal's opposition.

The *Times* says it has no doubt that the views of General Botha and Mr. Merriman will eventually prevail, but it is essential that the people of the Motherland should appreciate the viewpoint of the overseas dominions as regards Asiatics.

The *Westminster Gazette* praises Mr. Smuts's speech on the Indian Relief Bill for its admirable tact and moderation. The paper adds: "We are all grateful to General Botha and his Ministry for the Bill."—*Reuter*.

The Witwatersrand Church Council has passed the following resolution: "That the Executive of the Witwatersrand Church Council has heard with much satisfaction of the Government's intention to introduce legislation in accordance with the recommendations of the Indian Grievances Commission, and earnestly trusts that these recommendations may be made the basis of laws so as to bring to an end a conflict which has lasted eight years and caused great suffering to a peaceable and industrious people."

From the Editor's Chair

A HISTORIC DEBATE

THE second reading of the Indian Bill was carried by a very substantial majority and became the occasion for a weighty pronouncement on the Government's Indian policy. General Smuts' speech was studiously moderate and not at all offensive as some of his speeches on the subject have been in the past. General Botha's speech was worthy of the occasion. We feel grateful for his declaration that the Government proposed to stand or fall by the Bill. The other speeches delivered in favour of the Bill were of the same high order and, if the spirit of justice and conciliation that pervaded the speeches is continued in the administration of the existing laws, there need be no fear whatever of any Indian trouble arising in the future. We take the speeches as an earnest of the intention of the Government and the legislature that the resident population is to be treated with justice and fairplay. Contrary to past experience, General Smuts made it clear that, this time, not only had the Government considered the feelings of the Imperial Government and the Government of India, but they had considered the Indian sentiment also. We trust that the same policy will be followed in the future.

What could have contributed to this high tone of the debate? Certainly the watchfulness of the Imperial Government; certainly, also, the courageous handling of the question by the Viceroy. Mr. Andrews' mission of love, too, contributed not a little to the lofty tone of the debate. His spirit seemed to watch and guide the deliberations of the House. And none of these helps would have been at our disposal if we had not helped ourselves. The spirit of Passive Resistance it was which made this trinity of causes possible. Let the community, therefore, understand that its last weapon at a critical moment is Passive Resistance, which has been once more fully vindicated. But we hope and we have reason to believe that the community will not be called upon again to pass through the terrible fire of suffering which it has had to pass through during the last long years.

The Committee Stage

On Friday, the House went into Committee on the Indians Relief Bill.

Mr. LEUCHARS (Umvoti) moved that the following proviso be added to Clause 6: "Provided this clause shall not apply to any Indian who forfeits his rights under Law 25 of 1891, after the passing of this Act."

Mr. SCHREINER (Tembuland) moved that a sum of £3 be paid to each repatriated Indian on arrival in India. He contended that this would be an additional inducement for the Indians to leave Natal.

The CHAIRMAN ruled this amendment out of order, as it involved increased taxation.

The Minister asked Mr. Leuchars to withdraw his amendment, remarking that the hon. member was evidently under some misunderstanding.

The amendment was then withdrawn, and the clause adopted as it stood.

After a discussion, a division was taken, and Clause 8 adopted by 77 votes to 15.

Mr. CRESWELL (Jeppia) moved a new Clause 9, making it an offence for any employer in Natal to employ any labourer under indenture who entered the Union after July 1, 1914, under a penalty of £50 in respect of each labourer, or six months' imprisonment.

The MINISTER OF FINANCE, replying to the debate, said the Government could not accept the amendment. He wished the Bill to be passed; he did not want to

see it wrecked, and he did not see any surer way of wrecking it than by the insertion of the amendment. The Government were pledged by every consideration of right policy to pass this Bill, and he did not see the use of introducing subject matter which was entirely foreign to it.

Mr. Creswell's amendment was negatived on voices, and the mover called for a division, which resulted:—Ayes, 10; noes, 79.

The Bill was reported with amendments, consideration of which was set down for Monday.—Condensed from Reuters' report.

Cape Dealers Licences Ordinance

An Ordinance "To Amend the Law relating to the Licences of General Dealers, Butchers, Bakers and Hawkers" in the Cape Province has been assented to. We give the Sections dealing with the conditions:—

4. Save as in section *eleven* provided, from and after the promulgation of this Ordinance, no general dealer's butcher's, baker's, greengrocer's or hawker's licence shall be issued to any person unless such person shall have first obtained the certificate hereinafter referred to.

5. Any person desiring to obtain a general dealer's, butcher's, baker's, greengrocer's or hawker's licence, shall, if he desires to carry on such business within any Municipal area, apply to the Municipal Council thereof for a certificate allowing the issue of such licence, and such Council shall, not later than at the second ordinary meeting held after the receipt of such application, grant or refuse the said certificate in accordance with the provisions of section *nine* hereof.

6. If the said applicant desire to obtain a general dealer's, butcher's, baker's, greengrocer's or hawker's licence in any Village Management Board area or in any Divisional Council area outside of a Municipal or Village Management Board area, he shall apply to the Divisional Council or Village Management Board of such area as the case may be, and such Board or Council shall, not later than at the second ordinary meeting held after the receipt of such application, grant or refuse a certificate for the issue of the said licence in accordance with the provisions of section *nine* hereof.

7. In case there be no Municipality, Divisional Council or Village Management Board in or for the area in which a general dealer's, butcher's, baker's, greengrocer's or hawker's licence is sought, the application for the certificate allowing the issue of the licence shall be granted or refused, in accordance with the provisions of section *nine* hereof, by the Resident Magistrate or Assistant Resident Magistrate of the district or detached district, as the case may be, in which the business is sought to be carried on.

8. Every applicant for a certificate as aforesaid for a general dealer's, butcher's, baker's or greengrocer's licence shall, in making application therefor, state the premises at which he desires to carry on business, and, if the premises be within a Municipal or Village Management Board area, pay a fee of five shillings and sixpence to the Municipal Council or Board concerned, or, if the premises be outside a Municipal or Village Management Board area, pay a fee of ten shillings and sixpence to the Divisional Council, or, if there be no Municipal Council, Board or Divisional Council, pay a fee of ten shillings and sixpence to the Health Officer or other Medical Practitioner (approved by the Magistrate) for his report on the said premises. Any certificate issued upon such application shall be deemed to have been issued to the applicant in respect of such premises, and shall be signed by the Town Clerk or Secretary of the said Council or Board, or by the Magistrate, as the case may be.

9. (1) Where application for a certificate as aforesaid for a general dealer's, butcher's, baker's, or green-

grocer's licence is made to any Council, Board or Magistrate, by or on behalf of any person whose name does not appear upon the list framed for the area of such Council, Board or Magistrate, under the provisions of section *eleven* hereof, no such application shall be considered unless:—

(a) The Health Officer for the area or other medical practitioner approved by the Council, Board or Magistrate, shall have reported that the premises are fit and suitable for the business proposed to be carried on thereat, and that he knows of no reason why the said certificate should be refused on the ground of public health, and

(b) The Council, Board or Magistrate shall have inquired from the senior officer of police for the area if anything is known against the applicant that should be brought to the notice of the said Council, Board or Magistrate.

(2) Where application for a certificate for any additional general dealer's, butcher's, baker's or greengrocer's licence is made to any Council, Board or Magistrate, by or on behalf of any person whose name appears upon the list framed for the area of such Council, Board or Magistrate under the provisions of section *eleven* hereof, no such application shall be considered unless the Health Officer for the area or other medical practitioner approved by the Council, Board or Magistrate, shall have reported in the manner described in paragraph (a) of sub-section (1) hereof.

(3) (a) Every application made to a Council or Board for a certificate for a licence or for an additional licence shall be granted, unless a majority of the members of the Council or Board present at the meeting at which such application is finally considered and forming a majority of the whole number of the members constituting such Council or Board are opposed to the issue of such certificate, in which case it shall be refused.

(b) The granting or refusal of any application for a certificate for a licence or for an additional licence made to any Magistrate shall be in the discretion of such Magistrate.

(4) Anything to the contrary in this section contained notwithstanding, it shall be lawful for the Administrator, if he is satisfied that any application as in this section mentioned has been refused solely on the ground that there are already a sufficient number of general dealers, butchers, bakers or greengrocers, as the case may be, within a particular area, to issue a certificate under the hand of the Provincial Secretary to the applicant therefor, and such certificate shall be regarded for all purposes as a certificate issued by the Council, Board or Magistrate.

(5) Where application for any certificate as aforesaid is made by or on behalf of any firm or partnership, the full names of all the members of such firm or partnership shall be disclosed to the Council, Board or Magistrate, as the case may be; and, if such application be granted, the said names shall be endorsed on any licence thereafter issued upon such certificate by the licensing authority issuing such licence.

(6) Where application for a certificate as aforesaid for a hawker's licence is made to any Council, Board or Magistrate, the granting or refusal thereof shall be in the discretion of such Council, Board or Magistrate.

(7) Anything to the contrary in sections *five* and *six* contained notwithstanding, a Council or Board may, if the number of members of such Council or Board present at any meeting at which any application for a certificate for a general dealer's, butcher's, baker's, greengrocer's or hawker's licence is considered is insufficient, or if any information required under the provisions of sub-section (1) hereof has not been obtained, postpone the final consideration of any such application to an ordinary meeting not being later than the third ordinary meeting held after the receipt of such application.

10. No application for a general dealer's, butcher's, baker's or greengrocer's licence by a person who has

acquired or purposes to acquire an existing general dealer's, butcher's, baker's or green grocer's business shall be entertained unless upon proof that the seller has given fourteen days' notice of his intention to sell or transfer the said business, with the name of the district and street or place where the said business is situated, in the *Provincial Gazette* and in at least one newspaper circulating in the district in which such business is carried on.

11. (1) Upon the promulgation of this Ordinance, it shall be the duty of the Town Clerk of every Municipal Council and of the Secretary of every Divisional Council and Village Management Board, or, in case there be no Municipal Council, Divisional Council or Village Management Board, of the Resident Magistrate or Assistant Resident Magistrate of a district or detached district, to frame and keep or cause to be framed and kept a list containing the names of all persons (including, in the case of a firm or partnership, the names of all the members thereof) then trading (a) as general dealers (as herein defined), butchers or bakers and (b) as greengrocers within the area of such Municipal Council, Divisional Council, Village Management Board or Magisterial District, as the case may be, and a description, sufficient for the purpose of identification, of the various premises at which such persons are so trading: Provided that, if any person shall claim to have his name placed upon list (a) and the Council, Board or Magistrate concerned is satisfied that such person did immediately before the 16th March, 1914, carry on business mainly as a greengrocer (as herein defined), the name of such person shall be placed upon list (b) unless the Council, Board or Magistrate shall upon application made for the purpose, decide to place it upon list (a).

(2) Thereafter it shall be the duty of every Town Clerk, Secretary or Magistrate, as in the preceding sub-section set forth, to add to the said lists (a) and (b) the name of every duly licensed person (including, in the case of a firm or partnership, the names of all the members thereof) who, upon obtaining a certificate or additional certificate as hereinbefore mentioned, shall commence to trade as a general dealer, butcher, baker or greengrocer within the area of the said Municipal Council, Divisional Council, Village Management Board or Magisterial District, as the case may be, together with a description, sufficient for the purposes of identification, of the premises at which such person has so commenced to trade.

(3) Every person whose name shall have been placed upon any such list shall be exempt from the necessity of obtaining the certificate hereinbefore referred to, so long as he shall trade at the premises in respect of which his name has been placed upon any such list and unless he shall at any time, owing to cancellation of his licence or for any other reason, cease to trade at such premises: Provided that the temporary closing of the premises through illness or absence of the proprietor or manager thereof, fire, flood or other disaster, shall not be deemed ceasing to trade, if the premises are still owned or leased by the licence-holder and the stock-in-trade has not previously to such closing been removed from such premises.

(4) Any such list shall at all reasonable times be open to inspection by any Magistrate, Revenue Officer, Officer of Police or any registered Parliamentary voter.

(5) Where any partnership is in any manner dissolved, any partner or partners desiring to carry on the business may, upon application to the proper licensing authority and upon production of an agreement to that effect signed by all parties who in the opinion of such authority are interested in the licence, obtain on the licence issued to the partnership so dissolved an endorsement of the name or names of the partner or partners so desiring to carry on the business, and upon presentation of the said licence so endorsed to the Town Clerk, Secretary or Magistrate concerned such partner or partners shall be entitled to have his or their name or names placed upon any such list in lieu of

the names of the members of the said partnership so dissolved.

12. (1) In case any person whose name shall have been placed upon any list framed under the provisions of section *eleven* hereof shall wish to change the place at which his business shall in future be carried on, it shall be lawful for such person to apply (upon payment of a fee as prescribed in section *eight* hereof) to the Municipal Council, Divisional Council, Village Management Board, Magistrate or Assistant Magistrate, as the case may be, for a certificate authorising the removal of the business to some other place within the area of jurisdiction of such Municipal Council, Divisional Council, Village Management Board, Magistrate or Assistant Magistrate, and such certificate shall then be either granted or refused; provided that, where a Council, Board or Magistrate has refused an application for a removal certificate made owing to termination of a lease or on account of fire or other disaster, the applicant therefor shall be entitled, if he shall forthwith notify the Council, Board or Magistrate concerned that he intends to seek other premises to which to remove his business, to have his name retained upon the list framed under the provisions of section *eleven* for a period of four months, reckoned from the date of the termination of the lease aforesaid or of the fire or other disaster, and during the said period of four months he shall be entitled to renew his application for a removal certificate under the provisions of this section.

(4) Any person who may be aggrieved at a refusal to issue a certificate under the provisions of this section may appeal to the Administrator who, if he is satisfied after obtaining the views of the Council, Board or Magistrate that any such certificate has been refused without reasonable cause, may issue a certificate under the hand of the Provincial Secretary to the applicant therefor, and such certificate shall be regarded for all purposes as a certificate issued by the Council, Board or Magistrate.

15. In case of the death of the holder of any licence, the widow or widower (if any) or the executor of the deceased person and, failing the appointment of an executor, any *curator bonis* appointed by the Master of the Supreme Court for taking charge of the estate of such deceased person, or any person approved of by the Resident Magistrate, and, in case of insolvency or assignment, the trustee or assignee of the estate of such person, and, in case of a company in liquidation, the liquidator, may carry on the business under the same licence.

19. From and after the promulgation of this Ordinance, a hawker's licence shall authorise the holder to trade only in a Municipal or Village Management Board area or in a Divisional Council area outside the said Municipal or Village Management Board area, or, in case there be no Municipality, Divisional Council or Village Management Board, in the district or detached district under the jurisdiction of the Magistrate or Assistant Magistrate, as the case may be, according as the licence is taken out in the one area or the other, and no hawker's licence shall from and after the promulgation of this Ordinance authorise the holder to trade outside the said area.

20. (1) There shall be payable annually for a hawker's licence within a Municipal or Village Management Board area the sum of two pounds, and without a Municipal or Village Management Board area the sum of three pounds: Provided that, if a hawker shall sell or expose for sale fruit, fish, vegetables, eggs, poultry, honey or dairy produce only, the amount of such annual licence shall be five shillings.

(2) There shall be payable annually for a greengrocer's licence the sum of Ten Shillings.

22. Nothing in this Ordinance contained shall be construed as taking away any right existing at the commencement of Act No. 10 of 1913 to appeal to a court of law against the refusal to renew any such licence as was in existence at the date of the commencement of the said Act.

24. This Ordinance may be cited as the General Dealers' and Other Licences Amendment Ordinance, 1914.

The whole of the following Acts are repealed:— Act No. 10 of 1869: To define the term "Hawkers or Travelling Traders;" Act No. 11 of 1871: To amend the provisions of Act No. 3 of 1864; Act No. 15 of 1890: To amend Act No. 11 of 1871; Act No. 35 of 1906: General Dealers' and other Licences Amendment Act.

Taxi-Cabs in Johannesburg

A test case on the question whether a taxi-cab driver is compelled, under the Johannesburg Municipal By-Laws, to accept a coloured passenger was brought before Mr. Hadfield in "D" Court on the 9th instant. Proceedings were taken against Arthur Bennett, the driver of a cab, who had refused to accept an engagement by Mr. Hajee Ismail Abobaker Johari. Mr. Bovill prosecuted, assisted by Mr. H. S. L. Polak, the accused being defended by Mr. Ralph Tatham.

Constable A. Rannie said that he had been called off his beat by the accused, who had enquired from him whether he was compelled to carry a coloured passenger, but he had replied that he could do as he pleased.

Mr. Polak, giving evidence, stated that Mr. Hajee Ismail, whilst on a visit to Johannesburg, had, on the 7th April, at about 6 o'clock in the afternoon, called upon him explaining that he would like to see the Sachsenwald before proceeding to dine with Mr. A. M. Cachalia, the Chairman of the British Indian Association. He asked Mr. Polak to have a taxi-cab called. This was done, and he accompanied Mr. Hajee Ismail down-stairs to the cab in order to give the accused directions. The accused refused to take Mr. Hajee Ismail because he was a coloured person. Mr. Polak told him that he thought he was wrong in refusing to carry Mr. Hajee Ismail solely on the ground that he was a coloured person. The accused continued to refuse and witness asked for his number. Accused seemed to take umbrage at this and brought a constable. Witness explained the situation to the Constable who, however, did not appear to be fully cognisant of the terms of the by-laws. Witness told him that he considered that the accused was bound to drive Mr. Hajee Ismail, but the latter persisted in declining to do so. In reply to the Magistrate, Mr. Polak stated that Mr. Hajee Ismail was a coloured person and a full-blooded Indian, belonging to a distinguished family in his native state of Porebundar. He said that he had been his guest in India. Mr. Hajee Ismail was obviously a coloured person. The by-laws being admitted, the accused gave evidence stating formally that he refused to drive Mr. Hajee Ismail because he was a coloured person. In reply to Mr. Tatham what the effect would be upon his business if he accepted coloured passengers, he said it would be ruination. The Magistrate suggested that that was mere guess work, but the accused replied that he had been assured that Europeans would not get into a taxi in which they had seen Indians travelling.

Here the Magistrate pointed out that this was obviously a test case, and that if his decision were against the accused, he would not impose any penalty, as evidently all that was wanted was a decision as to the construction of the by-laws. He refused to hear evidence as to what would be the effect if taxi-drivers carried coloured-passengers.

The Public Prosecutor pointed out that the Municipal by-laws were promulgated in 1902 and drew a distinction between first and second class cabs. In regard to first class cabs, it was provided that no Native shall be carried as a passenger. He urged that it was clear that coloured persons other than Natives could not be prevented from riding in taxis and that accused had been guilty of an infringement of the by-laws.

Mr. Tatham submitted that accused was under no obligation to take a coloured passenger and that the by-laws did not contemplate taxi-cabs.

The Magistrate reserved his decision until the 16th instant.

News in Brief

The *Union Gazette* contains the following statistics of immigration for the month of April:—Asiatics, previously resident in South Africa, landed: at Capetown 20, at Durban 85; not previously resident: 1 male and 6 females at Durban; prohibited immigrants deported: 6 from Capetown and 14 from Durban; landed temporarily: 20 at Durban.

Dr. Roux, one of the house surgeons at the Johannesburg Hospital, has been suspended for false statements alleged to have been made by him as to the availability of hospital accommodation for a native woman suffering from a fractured skull. The Chairman of the Hospital Board denied that there was no accommodation, and declared Dr. Roux' statement to be untrue, that the woman would have been admitted had she been white.

London, June 9th—*The Times* correspondent at Wellington says that Mr. Massey, the Prime Minister of New Zealand, in the course of a reply to a deputation yesterday, scouted the idea of apologising to Japan or giving any explanation with regard to General Ian Hamilton's statements in the course of his report of Defence with reference to Asiatics. He added that he hoped to introduce legislation next session excluding Hindus from New Zealand.—Reuter.

The London correspondent of the *Yorkshire Post* draws attention to the absence of any reference to India in the new British Nationality and Status of Aliens Bill, which passed its second reading in the House of Commons on May 13 and was referred to a Standing Committee. An Australian or a Canadian, he points out, can settle in Calcutta or Bombay and have there the fullest British citizenship. But an Indian cannot obtain naturalisation in any of the Dominions.

The real urgency of the Relief Bill, (says the *Mercury's* correspondent) lies in this: that, if it did not pass, the Imperial Government would be seriously embarrassed. The resulting unrest in India would doubtless necessitate a huge increase of military expenditure in that country. As Mr. Smuts said in his reply, the Indian Government has accepted the finding of the Commission which the Bill translates into law. Reading from *INDIAN OPINION* of the 3rd instant, Mr. Smuts further showed that the official organ of the Indian community was disposed to accept the Bill as an honourable termination of a long struggle.

Commenting upon the Lascars' right to employment on British ships, the *Bombay Chronicle* observes:— We have every sympathy with the desire to extend the employment of British seamen, but none whatever with the unjustifiable attempt to oust the Lascar from a legitimate sphere of labour, to which not only is he entitled by circumstances but which he has made his own by his excellent qualities as a seaman and his frugal habits. Most of the lines which employed Lascars are as much Indian lines as British; at any rate, they depend on Indian traffic for their dividends, and to suggest that they are not to be allowed to employ Indian labour is monstrous. It would certainly become an important consideration were such the case, whether a company excluding Indian seamen could be allowed to hold an Indian mail contract.

SUPPLEMENT TO "INDIAN OPINION"

JUNE 17th, 1914.

Reprinted from the "Cape Times," June 9th, 1914.

THE
SERVANTS OF INDIA
SOCIETY.
POONA.

INDIANS RELIEF BILL

SECOND READING.

The MINISTER OF FINANCE moved the second reading of the Indians Relief Bill. He requested members to approach such a thorny and difficult question in a non-controversial spirit. The House were now in a position to finally settle the Indian problem on a satisfactory basis, the recommendations of the Solomon Commission, which inquired into the grievances of Indians, having been accepted as a solution by the Indian Government, and also, with one exception, by the Indian community residing here. He recalled the passing of the Immigration Act last session, and the agitation which followed it. Mr. Gandhi raised four points, on two of which it was possible for the Government to meet him. There were two other points on which it was impossible for the Government immediately after the session to meet the community's views.

RIGHT OF ENTRY.

One was the right of entry of the South African born Indian into the Cape Province. In the Immigration Act of last year provision had been made that Indians entering the Cape Province should be required to comply with a dictation test, and Mr. Gandhi desired that this restriction should be removed. The Government, however, pointed out that the point had been fully discussed during the debates on the Bill, and that the strongest exception had been taken to the removal of the restriction, which revived the restriction under the old Cape laws. The second question was the marriage question. In the Immigration Act of last year a clause had been adopted on the motion of the hon. member for Cape Town, Castle (Mr. Alexander), permitting the entry of a wife married according to polygamous rites, though the marriage was de facto monogamous. The Natal Division of the Supreme Court had, however, decided that it was not possible to recognise as legal a marriage celebrated according to polygamous rites. Administratively in the past there had been no difficulty in the matter.

Mr. P. DUNCAN (Fordsburg): Then why did they raise the question?

The MINISTER OF THE INTERIOR said that if he were to answer that question it would take a very long time, and he did not think it was necessary to do so. It was a case that had presented some very extraordinary features. When it became clear that the Government could not satisfy the Indian community on these points the question of the £3 licence was raised. He did not intend to go in detail into that question, but he would say that it was impossible for the Government, when threatened with a strike, to make any concessions at all. Then followed a great deal of bloodshed and violence in suppressing the strike, and subsequently the Solomon Commission was appointed. It was assisted in its labours by a representative of the Indian Government, Sir Benjamin Robertson, whose services had been, as he could say from personal knowledge, of the very greatest value to the Commission. He had smoothed its work considerably, and had thrown light on many difficult questions. The Commission, it would seem, had made fourteen recommendations. Most of these required merely administrative action, and here he would say that it was the intention of the Government to carry out the Commission's recommendations in their entirety, partly by legislation and partly by administration; and in this way to secure that peace which they were all longing for, that peace which was not merely of such importance to South Africa itself, but also to South Africa in her external relations. (Cheers.) The points dealt with in the Bill included recommendations Nos. 1, 3, 4, 5, and 13 in the report.

THE MARRIAGE QUESTION.

The measure before the House dealt with recommendations 1, 3, 4, 5, and 13 of this Commission. The recommendations 3 and 4 dealt with the marriage question pure and simple. Recommendation 3, with which he would first deal, was as follows: 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 amongst Indian priests of different denominations, for the purpose of solemnising marriages in accordance with the rites of the respective religions of the parties. Both in Natal and the Cape, as far back as 1896, a law was passed giving the Government power to appoint priests of Mohomedan belief. Although little advantage had been taken of the Act in the Cape, yet the Indian community claimed they should have the right to be married before their own priests. Section 1 of the Bill carried out this recommendation. The next recommendation also referred to the marriage question, and was as follows: There should be legislation for the validation, by means of registration, of existing de facto monogamous marriages, by which are understood marriages of one man with one woman under a system which recognises the right of the husband to marry one or more other wives. Directions as to the mode of registration and of the particulars to be entered in the registrar might be given by regulations framed under the Statute. This was a more difficult question for the Commission to deal with—the religious unions which were already existing among Indians in this country, but not recognised by South African laws. The Indians contended that an opening should be given for these unions so long as they were monogamous to be turned into legal marriages by a simple system of registration, which had been adopted. These people could go before marriage officers or magistrates, and when they had satisfied these officers that such a marriage did exist they could have it registered. This was to meet cases where a marriage already existed between man and wife. It was pointed out that by the Commission that a marriage like that would not debar those people under their religious tenets from taking more wives. But those would not be legal marriages. Short of legalising polygamy, he did not see what else they could do. That was the most important and the most difficult question before the Commission, and in this connection Sir Wm. Robinson rendered great assistance.

NOT COMPLETE SATISFACTION.

Since then representations had been made by Mohammedans, who were not quite satisfied and who said that according to their faith it was permitted to them to marry more than one wife, and by now giving an opening for one marriage to become legal it seemed a great hardship, and one which the Indians wished to see removed. He (the Minister) argued the question, and they could not possibly satisfy him of any way of dealing with the claim they advanced. They mentioned the course that had been taken in Mauritius, and he (the Minister) promised to go into the matter, but he had not received any information on that point, and so could not make a statement that afternoon. So among the Mohammedans there was not complete satisfaction with the report on this point, but so far as the Commission had been able to meet these people in a legal way the Commission had done so. He would now come to the marriage question as it affected immigration, and the Commission reported as follows: Section 5 (g) of the Immigrants 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 the minor children by her of an Indian now entitled to reside in any Province or who may in 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." If an Indian was resident in South Africa, and wanted to bring out his wife and minor children, to which he was entitled in law, no inquiry would be made as to whether it was a legal marriage, but the inquiry would be: Were they married in the tenet of some religion? The man could only bring one wife. This would be found in section 3 of the Bill, and thus disposed of the marriage question, which was a most difficult and important question. He would now come to recommendation 13, which dealt with the question of domicile certificates in Natal. Under the old Immigration Law, the Natal practice was to issue domicile certificates, and these certificates when issued were conclusive as to the right of the holder to return to Natal. The system was abolished in the Act of last year, because it was found that in many cases these certificates got into the hands of wrong people. There were thousands of people entitled to these certificates, and the question was how to deal with them in such a way that no hardship would be constituted. The Minister then quoted recommendation 13, as follows: Domicile certificates which have been issued to Indians in Natal by the Immigration Officers 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. This was being followed.

THE £3 TAX.

This left one other point, and that was the abolition of the £3 tax in Natal. He did not intend to cover the whole history of the tax. Hon. members knew that this system of coolie labour was introduced many years ago. As the number of the Indians increased, it became a matter of concern as to what steps should be taken to get some of these people back to India. In 1895 a mission went from Natal to India, and the result was found in the law passed in 1895—the law they were now concerned with. Indentured coolies, after they had finished their term of service and who did not wish to return to India, could stay in Natal on the payment of a £3 licence. From the very start the law did not promise to be a success, and after five years another mission was sent to India to see whether it was not possible that the indentures should expire in India. The mission did not meet with success, and no change was made. The Indians claim that this tax should be abolished, and this was one of the questions the Solomon Commission went into. The Commission came to the conclusion that the claims of the Indians were fair and just and politic, and recommended the repeal of clause 6 of the Act of 1895. This course was adopted in the Bill. The Commission pointed out that the tax was only payable by a small portion of the Indian population. The Commission pointed out that 11,000 males were at present liable to the tax and about 21,000 were still under indenture or had been re-indentured. The Commission also pointed out that the Indian population was much larger, and that the people liable to the tax were the least able to bear the burden. When everybody paid a capitation tax such was easy to collect, but where only a small

portion of a population paid, it became extremely difficult, because they could only collect through the machinery of the police. When a policeman wanted to make out that a man was liable to the tax, he must prove that he came to Natal after 1895, which was most difficult, and also that he did not come there as a free man, which was also very difficult.

COMMISSION AND ABOLITION.

From the very beginning this tax had been avoided in a wholesale fashion, and in 1905 the Natal Government passed a law by which no employer could accept the service of any of these people without making certain that they had paid the tax. That law had been on the Statute Book for some years, but had never been carried out. Just as it was difficult to collect the tax from the Indians it was found just as difficult to collect it by means of this amending law. The Commission pointed out that the position had become very serious indeed, because these people in order to avoid the tax, wandered from place to place. The Commission advanced other arguments that told against the tax, and finally came to the conclusion that the tax should be abolished. The Minister pointed out that the evidence as to whether the tax had the effect of inducing these people to return to India had been very conflicting, and the Commission was not satisfied that the tax had had any effect in inducing the coolies to return to India. The Commission suggested that the best course would be to repeal section 6 of the Act of 1895, and the Minister pointed out that the result under this Bill would be that no other alteration was made in the status of Indians in Natal. Clause 6 gave power to the Government to give free passages to any Indians willing to return to India, and renounce their rights of residence in South Africa. The object of the Government was to assist, in every way possible, to induce them to leave this country and go back to India. He appealed to hon. members, especially those from Natal, to assist the Government in getting the Bill through this session. They had a unique opportunity of dealing with this troublesome question. It was a point which affected the whole of the British Empire, and he was sorry to say it was taking another form in one of the British Dominions. They had reached a stage after a long struggle when they could bring the whole matter to a conclusion, and he would ask members, especially members from Natal, to assist the Government on this occasion and so remove one of the most dangerous elements which at present beset them.

AGAINST THE BILL.

Sir A. WOOLLS-SAMPSON (Braamfontein) said he was very sorry he was not going to support the Government. (Hear, hear.) The Indian community, under the advice and guidance of Mr. Gandhi, engineered a strike, and, to secure the support of the Indian Government and the sympathy of the British public, false statements of cruelty, coercion, and semi-slavery were cabled to every part of the civilised world. (Hear, hear.) The Government of this country appointed a Commission presided over by one of the judges of the Supreme Court to inquire into these allegations and to suggest remedial measures. Really it was the first duty of that Commission to nail down the falsehoods that had been circulated abroad in reference to the treatment of Indians by the white inhabitants, by the officials, and by the Government of this country. (Hear, hear.) He regretted that in some instances this matter had received the support and countenance of a number of white men on the Rand, to whose everlasting discredit it should be said that whenever any question arose between the coloured and white races in this country they could always on the slightest provocation discover more virtue in a coloured skin than they could in a white one. (Hear, hear.) In the course of their report, the Commission stated: "So far from assisting the Commission by placing before it the case for the Indian community for the redress of their 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." Mr. Gandhi and his friends, despite the fact that an important Indian official had been appointed by the Indian Government to watch the interests of the Indian community throughout the sittings of the Commission, prevailed upon all his people not to give evidence, alleging mainly that he objected to the personnel of the Commission. Mr. Gandhi's objection to the personnel of the Commission was a mere subterfuge. (Hear, hear.) He was unable and so were his people to substantiate the charges which had been sent broadcast over the water, and he knew full well that their presence before that Commission would once and for all prove conclusively that they had engineered this strike on false premises entirely. (Hear, hear.) The Commission was very anxious, if possible, to acquire some evidence with regard to these charges, and, as a matter of fact, an Indian named Sooker did appear before the Commission to tender evidence. The Commission pointed out, however, that the evidence that he gave was hearsay, but he stated that there was in the precincts of the court a man named Balbadhur who was himself one of the men who had been ill-treated after the strike. This man was brought before the Commission, and his complaint was that, after the strike, and on his return to the mine, he was assaulted by the compound manager. This was investigated and it was found that the three witnesses whom Balbadhur had called before the Magistrate to investigate the charge against the compound manager all denied any knowledge of the alleged assault, and thereupon the charge was withdrawn.

UNRELIABLE STATEMENTS.

The only single charge, therefore, that was brought to the knowledge of the authorities was proved conclusively to be founded entirely on bad evidence. He (Sir A. Woolls-Sampson) now wanted to take two points. First, the question of the reliability of the Indians in their statements; and, secondly, whether they were justified owing to ill-treatment. As to the first point, the Commission said that it was well to draw attention to a fact which constantly confronted us in this country, and that was that the Indian community itself was in a great measure responsible for the stringency of the investigations which were made into applications of all kinds by the officials of the Immigration Department. That had been rendered absolutely necessary by the numerous attempts at fraud and impersonation which were constantly made by Asiatics. This (said the hon. member) went to prove that, as far as reliability was concerned, the Indian statements had to be accepted with very considerable reservation. He wanted to point out that in this instance there was nothing to justify the attitude adopted by the Indians, because this report went to prove that they were at that time well treated by those who employed them. The Commission quoted returns in regard to the number of coolies re-indentured, and added: "These figures are eloquent testimony to the good relations which exist between the coolies and their employers, to which reference has already been made." The hon. member went on to say that this all went to prove conclusively that there was no ill-treatment in the case of the Indians in Natal, that this strike was engineered purely for political purposes, and possibly far more to serve a political purpose in India than it was in this country. (Hear, hear.) It was made perfectly clear in reference to this £3 tax that when it was imposed it was imposed with the full consent of the Indian authorities, that it was imposed in the terms of indenture, and Sir Benjamin Robertson, who was the official appointed by the Indian Government, stated that, as far as it was possible to make this clear to the Indians, it was done, and that there could be no reasonable complaint on their part that we were imposing an unjust tax upon a number of people who were unable to pay it. "One thing, however, was clear" (the Commission reported), "and that is that all that could be done by the Government of Natal was done to explain the real position to them, and that it was upon the express understanding already set forth that they were introduced into the Colony. It is equally clear that, whatever may be said about the coolies themselves, the Government of India, which may be regarded as standing in the position of guardians to their ignorant subjects, accepted and acquiesced in the provisions of Act 17 of 1895, which are embodied in the indentures, and that they, at any rate, were under no misconception as to the conditions under which the coolies were admitted into

Natal." At this stage he would like to refer to the disabilities under which we laboured by the presence of an overwhelming coolie population as we had it in Natal. When Europeans went to India, China or Japan, they took with them large sums of money, they established factories, industries and works of all descriptions and found employment for the poorer classes.

THE INDIAN COMMISSION.

Proceeding, Colonel Sampson said that the Indian in Natal, in the course of his industry, employed his own people. He sent very little money abroad. He quoted from the report of the Indians' Grievances Commission, and said that the insurrection in Natal in 1906 had been brought about, not by the poll tax, but by the hut tax. The insurrection of 1906, he had discovered, was caused by the hut tax, and the tax that had been remitted had nothing to do with it. He went on to deal with native taxation.

Mr. T. SCHREINER (Tembuland) asked whether the question of native taxation was being discussed?

Mr. SPEAKER: The hon. member is not in order.

Colonel LEUCHARS (Greytown) said he thought the Minister was taking too optimistic a view of the result of the proposals. He ventured to differ from the Minister, and thought that the natives would regard the Bill as a sign of weakness. It was only nine months ago that the Indians in Natal adopted the passive resistance movement, and it was a fortunate thing that it had not ended in bloodshed.

PRAISE FOR GENERAL SMUTS.

Mr. F. D. CHAPLIN (Germiston) said he felt somewhat at a disadvantage in having to speak after the previous speaker, who had a knowledge of the conditions of Natal which, of course, was denied to him. Living elsewhere, he (Mr. Chaplin) must say that the hon. member (Col. Leuchars) had taken what seemed to him an unduly pessimistic view of what might be the consequences of this Bill. (Hear, hear.) It was not popular in this country to do anything or say anything which might be interpreted as being in favour of the Indian or native population.

Sir A. WOOLLS-SAMPSON (Braamfontein): You are quite wrong, we do not want to handicap the whites.

Mr. CHAPLIN (proceeding) said he hoped he would not come under the ban of the hon. member for Braamfontein if he took up a line different from that taken up by that hon. member. The members who had spoken after the Minister had devoted themselves only to one subject, and that was the remission of the £3 tax. Of course the Bill was not by any manner of means confined to that. He thought the Minister certainly deserved credit for the very thorough manner in which he had followed the recommendations of the Commission in regard to this extremely complicated subject of the marriage question. Last year, when this matter was before the House, the hon. member for Cape Town, Castle (Mr. Alexander) moved an amendment which some of the members on that side of the House at that time hoped would settle the question so far as the marriage point was concerned. They were surprised to find that what they believed to be the ordinary meaning of the words inserted in the Act had been challenged by the Minister's own officials. It seemed to him that that was an entirely unnecessary course. The practice was in accordance with what they desired, and therefore it seemed to them that no good purpose could be served by raising the question, as it was raised, by the immigration officer at Durban. What they had now before them, however, definitely settled that matter. Members distinctly understood that the words inserted last year referred to the de facto monogamous wife. If that position had not been remedied, he thought the Government, Parliament, and the people of this country would, to some extent, have been open to the charge of having been guilty of a breach of faith. They on the Opposition side of the House understood that this particular difficulty was going to be met, and it would be most unfortunate if a totally different interpretation were placed on it. It seemed to him that the Bill made a very fair attempt at meeting these marriage difficulties. Of course, without recognising polygamy, which they could not do, we could not go any further. He believed that the Indians would see that if this Bill went through that the people of this country were going as far as they possibly could to meet the demands of the former. He

now came to the question of the £3 tax, which was going to be the determining factor in the reception the House was going to give to the Bill. Two points had been made. His somewhat violent friend behind him (Sir A. Woolls-Sampson) had made two points. So far as the first point of the hon. member was concerned, it was perfectly true that the Indian community made a very grave mistake in not appearing before the Commission. He thought the Viceroys and the Government of India had quite endorsed that view.

MALTREATMENT CHARGES EXAGGERATED.

It was true, in effect, that the Commission had found that the charges of maltreatment were very greatly exaggerated. But that was not a feature which was peculiar to matters in which Indians were alone concerned. (Hear, hear.) They had had a good many accusations made by other people in regard to circumstances on the Rand, accusations which had also been exaggerated. If they allowed themselves to be unduly influenced by the fact that some of the Indians had been misled and that others of them had made a number of erroneous statements—if they allow that to weigh with them—then he was afraid that they would get no further and that they would be unable to deal fairly with the matter now before the House. It was fairly established that the tax had not, on the whole, served the purpose for which it had been introduced, and had not had the effect of inducing the people to go back to India. He supposed the reason was that circumstances had changed. Owing to the stoppage of the importation of indentured Indians into Natal there had been a scarcity of labour and the wages of those in Natal had gone up to a large extent, and that accounted for the very large number of Indians wishing to remain in the country. The main question put forward by the hon. member for Braamfontein and the hon. gentleman opposite was that the remission of the £3 tax might have a bad effect on the natives. The Government had much better information at its disposal as to the state of affairs among the natives than hon. members could possibly have. It had access to information furnished by Magistrates throughout the length and breadth of the country. He (Mr. Chaplin) was not going to pretend that he had more knowledge than was obtainable by the Government through the countless sources of information at its command. He thought they were justified in assuming that the Government after having its attention directed to the raising of this question, as was shown in the report, was satisfied in its own mind that any risk of the kind might safely be taken. The Indians were a class by themselves, and this tax was not a tax for revenue purposes. It was not a licence nor was it a tax. What it was the report of the Commission pointed out—it was a penalty on continued residence in this country. That penalty was put on for a specific purpose, and had not been effective, and therefore the question arose: Why should this impost be maintained? Whether it was rightly or wrongly raised was not the point. The question had arisen and had provoked an immense amount of feeling, not only among the Indians in this country but the Indians in India.

A MATTER OF DUTY.

If they in that House could assist the Imperial Government to keep matters smooth in this respect by removing this cause of discontent, he thought they were only doing their duty in supporting the proposal to remedy it. (Ministerial cheers.) Other strikes had taken place. Some of the things which employers were asked to do after the events in Johannesburg in July last were such as he thought they should not have been asked. But they were done in order to remove misconceptions and grievances. One had to try and get at the root of the trouble, and did not always get at it; sometimes went too far one way or the other. But if they simply took up the attitude that they were the stronger, and, therefore, should not be forced to do anything, then he thought they were not doing their duty. (Opposition cheers.) This was a matter which went beyond our Colonial borders. We were part here of the British Empire, and we had to recognise our liabilities as well as we had to recognise the advantages we got. What they were doing now they were doing on the faith of the statements which had been made by the leaders of the

Indian Community and the Government of India, and by the British Government on their own behalf. Whatever was done now was based on the assumption that the free immigration of these people to this country was to be stopped once and for all. They were all agreed on that, but if they could remedy these grievances, which went further than some of them liked, let them give the matter a fair chance, and see if they were not able to remove this ground of trouble, which, if something happened, they would be paying very much more for—not so far as money was concerned—than they were paying if they took the risk of supporting that measure. He hoped the Bill would be carried. (Cheers.)

THE THIN END OF THE WEDGE.

Mr. W. M. MYBURGH (Vryheid) said that contrary to the appeal made to members by the Minister he hoped that hon. members would save South Africa by not allowing this measure to go through. He said that they were not taking best advice from these people, but they should refuse to grant them rights they never had. These people entered into contracts on the distinct understanding that they should pay the £3 tax or return to India. They accepted the £3 tax, and the Minister now asked the House to forego an honest contract. The hon. member for Germiston said that they should redress these things, and consider not only South Africa but other parts of the Empire. Let them look at what had been happening in another part of the Empire, where the people were standing shoulder to shoulder and refusing to admit the Indians. Those people were saying that Government and that country from what he would call an undesirable class, and were they in South Africa going to open the gates for the refuse of the back parts of India to overrun their country? He said it was the duty of the House to save the country. This was only the thin end of the wedge, and was not going to be the final settlement of the question. As soon as the Bill was passed these people would find something else. He hoped the House would not be kicked about by Messrs. Ghandi and Co., to accept what they put forward. He protested against the measure, and hoped the House would refuse to pass it.

Col. Sir A. WOOLLS-SAMPSON (Braamfontein) said that the hon. member for Germiston understood him (the speaker) to say that he reflected on his courage. He (the speaker) did not do so. What he meant to say was that the hon. member not being South African had not the same interest as he had in South Africa.

MR. MERRIMAN'S VIEWS.

Mr. J. X. MERRIMAN (Victoria West) thought he would be wanting in courage if he did not voice his support for the Bill. He had no love of Indian immigration for South Africa, and had, as a matter of fact, incurred a certain amount of odium in the old days in the Cape by opposing the demand of the Western Province wine farmers for the importation of coolie labour—they loved it so well. Over and over again he had pointed out the mischief and danger Natal was to the rest of South Africa by bringing these coolies in. He recognised then that these coolies formed an element of their population which would grow, and sooner or later prove a trouble. But Natal suited their own convenience. They were selfish, and these were the people who were now standing up and objecting to the proposed *modus vivendi* from a situation for which they were themselves to blame. So anxious were the Natal people to continue in their policy that they actually brought in 20,000 coolies within the last few years. The late Mr. Sauer disliked Indian immigration; but he adopted the only sound method of dealing with the native races. His policy was, "Don't let them bring more into the country, but treat those who were here well; treat them as men, and give them justice and fair play." That was the true principle. Of course, any proposal to ship the Indians back would be fought tooth and nail by the Natal coal owners, and those who employed Indians as shepherds and domestic servants—and better servants there were not in the country. They did not want the Indians repatriated, but desired them to continue living here under disabilities. But, of course, the Indians would not be content to do that. As a large body of people advanced in ideas of Western civilisation they were not likely to rest quietly under disabilities placed on them because of their colour and the place they came from.

THEIR FAIR DUTY.

It was an impossible state of things and he warned the House—it might not be in his lifetime—that as they sowed so would they reap, and if they sowed an injustice they would reap a retribution that would be very severe on this country. (Hear, hear.) In the Cape they had tried to be fair—without being altruistic—to the coloured races, and that was the only sound and safe principle they could go upon. He viewed the growing colour prejudice with alarm, because he was sure it would bring other things in its train. They must do their best, and in his opinion that Bill was doing nothing more than their fair duty. They said they would not have any more Indians in this country. Whether Natal wanted them or not she would have to do without them, because Natal was a part of the Union. But while the Indians were here let them treat them as they did the rest of their coloured population, and do not put them under special disabilities because of their colour or the place they came from. He appealed to his friends. He was sure they wished to do what was right and proper. Did they think the Government of India wanted to shunt these people here? No, they went and fetched them. (Hear, hear.) That being so, this was being used as a handle in India to stir up dissatisfaction. This question, small as it seemed to them, of kicking the coolies from one end of the country to the other, was used as a handle to stir up disaffection in India. At the King's Coronation the King made a solemn promise to India that the grievance would be redressed and now they had hon. members urging that they should break that promise. That sort of thing made the ground for stirring up dangerous disaffection in India. Surely they ought to do their best to assist the British Government, instead of adding fresh fuel to the fire, in the most difficult position any country had ever been placed of governing India truly and well. He was surprised at the attitude of the hon. member for Braamfontein. He (Mr. Merriman) thought he was a Briton to the core, and he remembered occasions when the hon. member might almost have been called ultra-British. He (Mr. Merriman) wanted to ask him to search his own heart and see if in opposing this Bill he was doing a service to the country he belonged to. If he persisted he (Mr. Merriman) thought he would be doing his country a great disservice. Let them treat these Indians with justice, but let them say they would have no more of them.

A NATAL VIEW.

Mr. C. HENWOOD (Victoria County) said he regretted that the Government had seen fit to introduce this so-called Indians Relief Bill, for, if passed, it would be highly detrimental to the best interests and welfare of the people of the Union, and especially Natal, and it would give little or no relief and would not be acceptable to the Indians as a settlement of their grievances. It was apparent that they did not intend to stop at anything short of equal rights, and he would give them credit for being bold enough to come out in the open and say so. He was surprised that the Government were so blind that they did not see that this was the thin end of the wedge. The Indians were knocking at the door for point after point until they could get full and equal rights with the civilised people of this country, which meant that they would have a full right to move in any part of the Union, and would also have trading rights. They in Natal had been accused of having imported these Indians into the Colony in the earlier days for their own gain, for their own advantage, to build up their industries. So far as he knew, the people of Natal were quite prepared to take the full responsibility of allowing them to remain there under present conditions, provided that the Government also carried out their part of the bargain by imposing the laws and regulations that were instituted by the Natal Government as safeguards against the Indians going too far. This was a burning question, and he was afraid that the present Bill would add more fuel to the flames. Proceeding, the hon. member sketched the history of the legislation passed by the Natal Parliament from time to time in reference to the Indian population. He pointed out how under their low standard of living the Indian traders and artisans were enabled to freeze out European traders and artisans, and how the condition of affairs eventually became so acute that the Colony had to say, "No more of this; we shall have to stop this importation." He quoted from the returns in order to show that, so far as the number

of those who returned to India on the expiration of their indentures were concerned, the law in Natal was for some years effective. He admitted that of late years it had not been so effective, but he thought that every hon. member must admit that it was the intention of the Legislature and the people of Natal that these people should either re-indenture or return to India, or pay this tax. To repeal the law was not a sign of strength, but of weakness. The right hon. the member for Victoria West had stated that Natal had dragged these people here. He (Mr. Henwood) maintained that the contracts were fair and above board. The right hon. gentleman had made a great point about Imperial spirit, but they found that when the House was asked to give further assistance with regard to the Navy he had not the pluck and the courage to vote, but he walked out of the House. Proceeding, the hon. member urged that it was the duty of the Government to see that the existing law was carried out, so far as the Indians of Natal were concerned.

THE IMPERIAL ASPECT.

In 1860 there were 58,000 indentured Indians in Mauritius, and there was no law which provided for their return to India. To-day Mauritius was practically an Indian colony. That was a bright outlook for Natal—it was something to think of. They should think seriously of that matter while discussing a Bill of that description. If they took the standpoint of the Imperial Government they would approach the matter from another point of view altogether. They knew that trouble was brewing in India, and they also knew that the Empire must suffer. In considering that question they must realise that they were laying a foundation stone for the prosperity of their children. He did not think that the House would be justified in dealing with legislation of that description until a referendum had been taken of the voters in Natal. He moved to omit all the words after "that" and to substitute "that this House is not prepared to deal with legislation for the relief of Indians until the subject matter of this Bill has been submitted by referendum to the Parliamentary voters of Natal."

A CAMPAIGN OF CALUMNY.

Mr. A. FAWCUS (Umlazi) supported the amendment. He said that they had immigration laws in this country which applied to the white man and also applied to the Indians. The white man must have a certain amount of capital and educational qualifications. Why should not the same law be applied to the Indians? The most dangerous clause of all was the one dealing with the female class, because with every woman they allowed into the country there was the danger of them allowing an eventual large family to come in. Any hon. member who knew anything about Natal knew that the Indian child of sixteen years of age was a mature woman. Indians married at the age of twelve or thirteen, and the idea of allowing every female child of that age into the country was a ridiculous and suicidal one. Proceeding, the hon. member said that he happened to be in England during last December, when this matter was being discussed in the English newspapers, and he well remembered the campaign of calumny and misrepresentation which went on. There was no word bad enough which could be said about South Africa on this matter. From the highest Indian official to the merest scribbler, who knew nothing at all about the subject, people denounced South Africa. No stick was good enough to beat South Africa with at that time. Reference had been made in the course of this debate to the Commission. He wished to say that he had given evidence before this Commission. The Commission's report was to the effect that this £3 tax had been inoperative. But he (the speaker) wished to say that he had the assurance of the Secretary of the Immigration Board in Durban that during last year considerably over 2,000 Indians went back to India, were driven back by this tax, and one Indian told him (the speaker) of a shipload of 300 Indians who were going back because of that tax; they did not want to go, but they simply had to on account of that tax. (Hear, hear.) If they could get Indians to do that, well, all he could say was let them go. In Natal they had more real knowledge of this question than people in other parts of South Africa had. A case happened in his own constituency in which contracts for Government supplies were given to Indians who were displaced under white

traders. The position of affairs in Canada had been mentioned. Were they going to support Canada in the stand she was taking up in that matter or were they going to support India? South Africa was held up as a warning in Canada at the present time. Of course, the official view in India was that we should make things better for them, but the matter was more deeply rooted than that. It was not a question of whether Indians should be allowed to remain in Natal or pay a £3 tax. It was far deeper than that, but his view was that so long as the £3 tax was having the effect of sending any Indians back it should remain.

A UNION MATTER.

Mr. M. ALEXANDER (Cape Town, Castle) said he would not have a great deal to say on the matter, because he realised that the less one said who was a friend to the Bill the better. (Hear, hear.) This matter had been referred to as a Natal matter. That was not fair. One might have expected a little word of gratitude from the Natal members regarding the development of the Natal industries which had taken place owing to the labour of the Indians in that Province. Where would the Natal industries be if it were not for those Indians. It was absurd to call that a Natal matter; it was a Union matter, and if an injustice was done, all the Union would have to suffer and not merely one part. Proceeding, Mr. Alexander said that no good purpose would be served by going into the Indian strike. When that strike took place in January everyone would admit that the leaders of the Indian movement stayed their hand, and did not embarrass the Government at a time of great trouble in the country. It was no use the hon. member for Victoria County urging truth and justice unless it were to apply equally to members of the coloured community as well as to whites. Truth and justice were not colour blind. He (the speaker) did not look upon these people as aliens. They were British subjects. They were introduced into Natal, and Natal had had full benefit of their work. A large number of Indians had been born in Natal, consequent upon legal marriages in the country, and if a mistake had been made it could not be rectified, if that meant doing a gross injustice to the people. The Bill before the House did not by any means meet the wants of the Indian community, but it was an attempt by the Government to give justice as far as they thought possible to the Indian community without detriment to South Africa. Hon. members who had spoken against the Bill did not seem to realise that it did not go one single step further than the Bill of last session intended to go. It was only at the expressed wish of the late Minister of the Interior, who was in charge of that Bill, that the word "monogamous" was put in lest the law should be understood to recognise polygamy.

NOT A NEW PRINCIPLE.

With regard to the £3 tax, that principle had already practically been decided in the case of women. It was not a new principle. They could not induce men to re-indenture or go back to India now that they could get higher wages. That tax did not assist in any way to influence their return to India. Was it not a better way to provide them with a free passage? With reference to the point made by the hon. member for Umlazi (Mr. Fawcus) regarding children under 16 years of age, that clause had been passed under the Act of 1913, and it was in the Immigration Laws of the Union when the Provinces were separate. The only relief the Government granted under that Bill was that the Indian child could not be penalised as against any other child. Monogamous marriages were to be allowed, and the children of such marriages were to be recognised also. That was simply carrying out the intentions of Parliament last year, though that was not expressed in the Courts of Natal as they should have been expressed. That was an Imperial question, urged Mr. Alexander. ("No, no.") He was stating a fact; in other words the relations between that community and the Union of South Africa may or may not have serious consequences in regard to other parts of the Empire. He did not say that South Africa ought to be asked to give up any of their rights or act unfairly as against their own brethren, because that was an Imperial question. But the Government was not asking anybody to do that. Under that measure no injustice was done of any kind to any part of the

people of South Africa. If they could remove that difficulty and friction from South Africa it would do a great deal of good. Did not hon. members realise what a great cost that difficulty had been to the people of South Africa? By passing the Bill the Imperial Government would not only be relieved of a serious embarrassment, but South Africa would be released from serious difficulties. Other demands might arise in the future, but so far as the difficulties concerning us at the present moment and for a long time to come, the Bill would remove a considerable number of difficulties which were a hindrance to the progress of the Union. In solving the Indian difficulty South Africa would be benefited by a very statesmanlike solution of a pressing problem. Let hon. members rise superior to their prejudices and do justice to every section of the community and assist the Imperial Government in a very difficult question, and by so doing hon. members would be doing something they would be thankful for. (Cheers.)

TREATING INDIANS LIKE HUMAN BEINGS.

Mr. H. M. MEYLER (Weenen) said they had heard several impassioned speeches from hon. members for Natal, and so he would like to say a few words to show that all the Natal members were not of the same opinion. It was hardly to the credit of some of the hon. members who had spoken that they should be individuals who had waxed fat on Indian labour. The Minister of the Interior had always been recognised as a strong man, and he had never shown himself a weakling in dealing with the Asiatic question. The marriage difficulty arose through an error in the Act passed by mutual consent last year, and it was only because legal quibbles had arisen that it was imperative to alter the law. The main difficulty was the abolition of the £3 tax. Here we had a strong Minister who had never shown himself a pro-Asiatic and there was nothing in the Bill but the carrying out of the findings of a Commission which no one had accused of being pro-Asiatic. The Commission, which was possibly biased to some extent against Asiatics, had brought out findings which were embodied in the Bill, and the Commission came to its conclusions after taking evidence throughout the Union. He felt rather flattered that the opinion he expressed had been carried out in the findings. Perhaps the hon. members for Umvoti and Umlazi were a little bit hurt that their evidence was not accepted as gospel by the Commission. He was not aware whether the hon. member for Vryheid gave evidence, but he had the opportunity of doing so. The hon. member came from a portion of Natal from which Asiatics had always been most rigorously excluded. In fact it had been said that it was easier for a rich man to enter the Kingdom of Heaven than for an Asiatic to enter the Vryheid district. Did the hon. member for Vryheid mean to say that it was practicable that there could be a wholesale scheme for the repatriation of 140,000 persons? That would be utterly impossible. The Government had done the best thing it could towards encouraging repatriation, and he hoped a large number of Indians would take advantage of the opportunity of returning to their own country. By offering these opportunities South Africa would be treating the Indians like human beings. A good deal had been said about the bona fides of the Indian leaders and that they would not accept this as a final settlement, but he thought they could trust the Minister to understand how far the Indian leaders were acting in a bona fide manner. A little bird had whispered that if this settlement was arrived at the person who was regarded in some quarters as a sinister figure, but who by other people was regarded as a cultured man with high ideals, would voluntarily leave South Africa. Mr. Gandhi had proved himself to be a man who could thoroughly be trusted. Surely the hon. member for Umvoti was speaking under a misunderstanding when he referred to Mr. Gandhi as an uncivilised person. He (Mr. Meyler) wondered if the hon. member for Umvoti ever met Mr. Gokhale, a gentleman who could make speeches which would be an ornament to this House. All the Indians were not the uncivilised people he found working on his wattle estates. There was, continued Mr. Meyler, a lot of misunderstanding as to the operation of the £3 tax. This tax was not being collected, and whether the Bill went through or not, no Government would be strong

enough to collect it in the future. What was the use of talking of the effect on the native mind of the abolition of the tax when the tax was no longer collected, and that tax would never be collected again. When the hon. member for Durban, Central (Sir D. Hunter) who was a man of the highest integrity, gave evidence before the Commission, he said "it is never inopportune to do the right thing." He intended to support the Bill, and he hoped that hon. members would recognise that there were other things of vital importance that still had to be attended to. The tax, he thought, was a matter that should be dealt with in committee. The hon. member for Victoria County proposed that a referendum should be taken in Natal. He (Mr. Meyler) was not the least bit afraid of a referendum, because he knew the good sense of the Natal people would carry the Indian question to victory. The hon. member for Victoria County and his friends were those who were opposed to a referendum when it was suggested in Natal prior to Union. He (Mr. Meyler) thought it was an anomaly to suggest that they should have another referendum to deal with this one special point. He felt he could not support the amendment. In conclusion, he said they should forget the darkness of last November, and the terrible position in which they and the Empire found themselves. He thought the settlement should be made, and he considered they need have no fear that the Indians would not carry out the honourable understanding.

Mr. G. L. STEYTLER (Rouxville) said he found himself in a difficulty. He realised that the people concerned in this Bill were most undesirable to this country, and he was afraid that the effect of the measure would be that the Indians might enter the country in large numbers. They could not allow the wives of those already here to come in. But what was more, this was not going to be the end of the question, but simply the beginning of a movement which at present was spreading all over the Empire. By allowing these people to come in they would do a dis-service to the whole of the Empire. It might be said that it was unjust to the Indians to allow their wives and children to come in, but a more important question was whether it was just to the rest of the people of the Union to allow them in. Indians squeezed out European tradesmen, and were a general curse to the country. He feared that if this Bill was passed a large number of Asiatics would enter the Free State and what then? he asked. In the circumstances, he could not possibly support that measure before the House.

SPEECH BY THE PRIME MINISTER.

The PRIME MINISTER said that he just wished to clear up one or two points which had been raised in the course of this debate. It was unnecessary for him to enter into the details and the merits of this measure which had been made quite clear by the Minister of the Interior. It seemed to him, however, that a large number of the hon. members did not quite understand the objects of this measure. The hon. member for Rouxville, for instance, had referred to one section of the Indian community, whereas the Bill dealt with an altogether different section. He (the hon. member for Rouxville) had referred to that section which was quite free and lived in various parts of the country. The Bill now before the House had absolutely nothing to do with these people. They were in the country, and remained here, whether the Bill was passed or not. (Hear, hear.) The class which had vested rights here could not be interfered with anyway. The Bill only dealt with these people who to-day were not here as free men—they were indentured labourers, the poorest class of all.

An HON. MEMBER: Yes, and the very worst, too.

The PRIME MINISTER said he trusted the House would deal with the Bill and the principles involved therein earnestly and seriously. The principles concerned were by no means superficial. He well remembered how from the very first they had experienced difficulties in the Transvaal concerning the Indian question. It had been quite impossible for any Parliament to say in an offhand manner, "Put all these people out of the country, we do not want them here." Only by paying millions of pounds in compensation could they have done anything like that, and even then the matter would not have been settled. In these circumstances he wished to appeal to members to deal with this Bill from the point of higher statesmanship than what

they desired, and than what their own personal wishes were. He knew that in South Africa there was a great and strong feeling of prejudice against the Indians, but he also knew that the people of South Africa would believe him when he said that he had always done his utmost to keep these Indians out of the country. (Hear, hear.) Nor did he rise in the House to embrace these people.

BY WHOM CREATED?

But whatever they did, whatever their feelings were, they must be just and fair towards the Indians. When the Government came to this House with a Bill such as the present one, it should be understood that the Government had gone into the matters involved most carefully, and had given all these matters its serious and careful consideration. The Government was responsible to the House and to the people for the measures it introduced, and he trusted that the House would regard this Bill from that point of view. (Hear, hear.) What had been most disappointing to him was to have listened to the speeches of hon. members representing Natal on both sides of the House. It was regrettable that these hon. members did not feel the matter so seriously when they introduced the Indians into South Africa. (Hear, hear.) If they had felt their responsibilities so keenly at the time they would have consulted the rest of South Africa, and to-day the country would not have been faced with all these difficulties. (Cheers.) But if to-day hon. members realised these difficulties so acutely, then they should not forget that these difficulties were entirely the creation of the people of Natal. (Hear, hear.) Unfortunately these Indians had not remained in Natal only, and to-day these people were found in other parts of the country as well. It was unpleasant having to say this, but it had to be done. (Hear, hear.) But they had to do what was right and fair towards South Africa. Whatever their prejudices against the Indians, he (General Botha) quite agreed with Mr. Merriman that it was their duty in this House, as a Parliament and as a Government, to work for peace, justice and fairness. (Cheers.) They had to deal with people who were not represented in this House, and whose presence in this country was due to the action of the people of Natal. Therefore, he hoped that hon. members from Natal would help South Africa out of the difficulty in which it had been placed. And this they could do by supporting the Bill now before the House. (Cheers.) He knew the hon. member for Braamfontein (Sir Aubrey Wood-Sampson) was a rough-rider, and he trusted that his rough-riding would now be in the interests of justice and fairness—(cheers)—and he was sure that if the hon. member carefully thought over the matter he would give the Bill his support. After all they had seen and gone through in this country, the Prime Minister went on, it must be quite clear that this House had to take the responsibility to deal with matters as they were to-day—(hear, hear)—and they should not introduce legislation with a view to what was good for them only. They no longer stood by themselves in four separate Provinces, and it was because they had to consider a greater cause that they should see to it that, especially in this matter, they did not go in the wrong direction. They must be careful lest they made their difficulties more acute than they were to-day, and more serious than they could become if this Bill were passed. (Cheers.)

DRAGGING IN THE NATIVE QUESTION.

He regretted the attitude taken up by some hon. members, who had coupled the native question with this Indian problem. They had no right to do so. (Hear, hear.) When they dealt with native questions, they dealt with native questions pure and simple, and they had to deal with the Indian problem in the same spirit and on its own merits. (Cheers.) It was useless dragging in this native argument, because he wished to say emphatically that if there were one subject of which they had every right to be proud it was this, that they, as a small minority, had always easily governed the large native majority in South Africa. (Loud cheers.) He would like to ask hon. members whether they hardly ever heard of a native refusing to pay his taxes? The collector went round, and the natives came along of their own free-will and paid their taxes. He wondered whether any tax collector would have such an easy task if sent to a farming community to collect taxes? (Laughter.) He held that instead of this

question having been dragged in in the way it had been done, this country had cause for gratification at the obedience to the law always displayed by the native population. (Loud cheers.) One hon. member had stated, the Prime Minister went on, that the effect of this Bill would be that a large number of Indians would settle in the Free State. The hon. member, however, was mistaken, because the Bill did not deal with the general aspect at all. Under this measure no such rights were given. Hon. members should be extremely careful in their statements lest they should spread wrong impressions among the people. The Indians who were in Natal to-day could not go to the Transvaal, or to the Free State. This question had been fully dealt with in the Immigration Regulation Bill of last year. Hon. members should be careful not to spread the impression that this House was now engaged in passing legislation giving the Indians the right to go anywhere they pleased. This measure to a certain extent only gave a definition. (Hear, hear.) It was under the Act of last year that the women and children had come in. The matter now before the House was a most important one, and was one bristling with difficulties, but they in this House should see to it, and should see to it carefully, that the question was put right.

MUST STAND BY THE BILL.

It was for that reason that he appealed to the House to deal with the subject on its merits, and he trusted that this House would see the Government through. (Hear, hear.) He wished to make it clear that the Government was bound to pass this measure. "We have introduced this Bill (said the Prime Minister), and we must stand by it, and I cannot see how we can possibly drop it. Therefore, I want to appeal to the House to assist us in getting this Bill on the Statute Book. I know the subject is an extremely thorny one, but to anyone giving the matter his serious attention it must become clear that the way proposed in the Bill is the only way to solve the difficulties." (Hear, hear.) Proceeding, General Botha referred to the amendment of the hon. member for Victoria County (Mr. Henwood). The hon. member was in favour of getting this question referred to a referendum in Natal. But he (the Prime Minister) asked, did not Natal have this referendum, when by a majority it was decided to introduce the coolies? (Hear, hear.) It was essential that a solution be arrived at. They could not have any more strikes or upheavals in Natal such as they had had. It was impossible and impracticable to keep a standing commando there. Perhaps this Bill did not solve the matter in the way many hon. members desired to see it settled, but he (the speaker), held that it was the only proper solution. The question of the country losing revenue under this Bill had also been raised. To his (the speaker's) mind, it had always been difficult to reconcile a policy under which one section of the community was taxed differently to another section in the way this had been done in Natal. In conclusion, the Prime Minister said he hoped the hon. member for Victoria County would realise that his amendment was impossible, as this was a question for which the Union Government had to assume responsibility. What was to be the result of the increase in the Indian population? The Prime Minister said they must keep Natal Indians in Natal, but that was impossible, they would force their way into the other provinces in due course. The time would come when there would be no room for more Indians in Natal, unless the whites moved out to make room for them. They would not confine themselves to working on the plantations and sugar factories, they were becoming better educated, and had higher ambitions. They would only stay at the labour for which they were originally introduced long enough to enable them to start in some other business. They were not fond of the work for which the Indians were originally introduced. The sons of the indentured Indians were looking for something on a higher plane. How were they going to get their desire, the only way he could see was for the white people to make room for them by going out.

ONLY PART OF THE DEMANDS.

It was not merely a question of whether an injustice was being done in connection with that £3 tax: it was a question of the future of Natal. It has been said that there would be peace if that Bill were passed, but if the Minister of Finance thought there would be peace by giving in to demands of the

Indians in that respect he would subsequently find that he was quite wrong. That was only a part of the programme of the demands of the Indians. The hon. member went on to refer to the petition of the Indians to Lord Crewe, in connection with which he said there were gross slanders regarding alleged ill-treatment and degradation of the Indians by the people of Natal. Those slanders were telegraphed all over the British Empire and appeared in the newspapers in all parts of the world. But they had not the courage to come forward and substantiate a single item of those charges. That agitation for the repeal of the £3 tax did not originate in Natal, but in India, and the people in this country were being made tools of to carry on the agitation. In the petition they asked that Indians throughout the Empire should have rights of citizenship. That meant that here in this country every Indian should have the same rights and privileges as the white people, and if that House granted them the little point in that Bill it would encourage them to make further demands. They could easily afford to pay the £3 tax. The question before the House was an important one to Natal, and the opinion of Natal should be taken on the matter before the House passed such a measure.

Mr. C. A. VAN NIEKERK (Boshof) said that the £3 licence was not a tax at all, it was simply the terms of a contract, and he agreed that if they gave way on the matter it would not be accepted as magnanimity, but weakness. In regard to the Indian question Canada had put her foot down, and South Africa would do well to follow the same course.

Business was suspended at 6 p.m.

Evening Sitting.

Business was resumed at 8 p.m.

Mr. VAN NIEKERK (resuming his speech) said the Indians would regard the action of the Government, if this Bill passed, not as an act of generosity, but as an act of weakness. It would simply mean the thin end of the wedge, and he felt sure that next year the population of India would claim free entry to Natal. It was true that many Indians worked in the coal mines. He would sooner see the poor whites employed there. The statement that it was difficult to collect the £3 tax proved that there was something wrong in the Department of the Interior. The same was proved by the argument that Indians came in under forged permits. If this was proved against any individual they should at once deport such a man. This country had to be careful and see to it that the people were duly protected—it was merely a case of self-preservation. If this Bill did not aim at introducing any radical changes, why then introduce it at all? The Prime Minister had asked the House not to mix the native question up with the Indian question. But, said the hon. member, the Commission itself had brought the matter to the notice of the Government. There was no doubt about it that the native would at once ask why the Indian received better treatment than the native?

NO BREACH OF FAITH.

He held there was no question of any breach of faith. The Indians had been brought here understanding that they would have to pay this £3 tax. Well, let them pay it now. The great danger was that the Indian women were to be admitted. Eventually this country would suffer from an over-population of coolies. He knew the Government had to cope with great difficulties, especially when such agitators as Mr. Gandhi, Mr. Polak, and Mr. Kallenbach were about. These people should have been deported, he held. In conclusion, Mr. Van Niekerk moved as an amendment that the Bill be read that day six months.

Mr. H. P. SERFONTEIN (Kroonstad) seconded the amendment, and feared that the effect of the Bill would be that the Indians would be allowed to enter the Free State. These Asiatics, he said, were an undesirable element, and should be kept out. He could not possibly vote for the Bill, and once they conceded anything at all, the Indian community would demand more.

MR. SCHREINER SUPPORTS THE BILL.

Mr. T. L. SCHREINER (Tombuland) said he spoke as one who would rather that there had never been a single Indian come to this country to complicate the already difficult position in regard to the

different races here. He always held, however, that we were bound to treat the Indians who were here, especially as they were British subjects, with fairness and with justice, and he was still of that opinion. He would have imagined that any thoughtful person who had any knowledge of the contests that had been carried on in this country, both before and after Union, anybody who had anything like a statesmanlike mind, would have rejoiced that at last there was to be an end to these troubles, as a matter of compromise. In the Bill before the House he thought there was evidence of a compromise. Certain claims made by the Indians and those who supported them had not been satisfied in the Bill, but he was not going to speak about those, because he was agreeable to take the finding of the Commission.

In regard to two or three points on which the Indians made certain claims, the Commission had made no recommendations. It had been said this afternoon that Indians were not at all satisfied with this, and they only meant to make it a starting point for further demands. They had had a statement read out from the paper "Indian Opinion" a short time ago, not he believed coming from any Indian in this country, but what some Indians in India had been saying about "equality" and that kind of thing. But surely members of this House ought not to be misled by that, when the people chiefly concerned, as far as he understood, Mr. Gandhi and Mr. Polak, expressed themselves as satisfied with this Bill. He took it that the Indians were satisfied with the Bill as it stood, and so was he also satisfied on their behalf. He had more than once brought up this matter of the £3 tax since Union was consummated. With regard to the Union tax—because, after all, that was the crux of the opposition made this afternoon to the Bill—he could have understood the argument raised if that tax had been very much higher than it was, and if it had been an absolutely prohibitive tax, because then the Indian rather than pay would, he supposed, have gone. It was made £3, and as a result it had not succeeded in bringing about the results which they hoped for. Yet this was the illogical position of the hon. gentlemen who had been declaiming against this Bill and the repeal of the tax. They had put it this afternoon as if should the tax be removed this country would be flooded with Indians, no more of them would go back at all, and the white man would be ousted in Natal, and the Indian would take his place. That seemed to him a ridiculous position to take up. This might be the position if that tax had been absolutely successful, but it had been an inoperative tax. Then there was another point. Did the Natal people want all the Indians to go back? Was it not the object of that tax rather to say "we will force the Indians to be re-indentured"? If they had put on a tax of £20 the Indians would have gone back. Only a few years ago they heard a big outcry in Natal because the indenture system was to be stopped. Apart altogether from what had been proceeding between the Indian Government and the Imperial Government, he thought it would be a good thing to repeal this tax at the present time.

A RED HERRING.

The native question had been introduced into the discussion. That particular tax, he pointed out, was levied for a particular reason on a particular class of people. What particular tax was there with regard to the natives that was levied for a particular reason, and only applied to a particular section? There was not the slightest reason to believe that if they repealed that tax that there would be a clamour for the repeal of any ordinary tax. That was a red herring which had been drawn across the trail; the hon. member for Braamfontein had got a fear of the black man on the brain. They should deal with the native when matters concerning the native cropped up, but they should not drag him like King Charles' head on every possible occasion. It was said by the hon. member for Umlazi (Mr. Fawcus) that a good many Indians had gone back to India on account of that £3 tax. Under the Bill at present before the House there would be more of them go back because of the very wise provision the Government had put in section 6 whereby passages would be allowed. He would suggest they move on those lines, and would even urge giving them something. (Hear, hear.) Why not repeal the tax and give them £3 instead? He would suggest £5 to induce them to go back to India. There would be no question of compulsion: it would be perfectly

voluntary on their part. Proceeding, the hon. member said that he thought the majority of the people in Natal did not want all the Indians to leave. They only wanted a part of them to go. If they all went he believed there would be an outcry for tropical natives, or somebody worse than the Indians, to fill their places.

A WRONG PRINCIPLE.

In respect of the referendum, Mr. Schreiner said he was in Natal when the strike took place and was astonished at the immense number of the Indian people there; that made him more wishful than ever he had been before that this experiment had never been tried, and that those people had never been brought into the country. But they had their duty to perform, and if they could put inducements before those people to go back to India, he thought they should do so. When they said leave that matter to Natal, he objected to that because if they followed those lines they would never by a Union. If they were to allow that referendum to take place in Natal he believed it would be a wrong principle, because there would be any amount of other questions referring to other Provinces which they would be called upon to deal with in a similar way, and then the sooner they tore up the Act of Union and went in for federation, the better it would be. He was always in favour of federation, but he had accepted unification, and they ought to act up to it. Therefore they could not leave that important matter to Natal. His influence would go in support of the Government, for he thought the country owed a debt of gratitude to the Government for having conducted the negotiations in connection with that difficult matter to that point that they had brought before the House a Bill which would not increase the danger in any way from Asiatics or Indians in the country. He looked upon it as a compromise amidst conflicting ideas, and though he sympathised with the people of Natal, who were suffering from the fruits of their own doings, those difficulties ought not to make them unjust. They must try what they could do to induce the Indians to go back to India.

IN A DILEMMA.

Mr. W. F. CLAYTON (Zululand) said he was on the horns of a dilemma. If the Minister had divided the Bill into two parts he could have satisfied his conscience. He was quite willing to agree to the first part of the Bill which endeavoured to remove disabilities from those Indians who were free to live within the borders of the Union, but not to the proposition that they should do an injustice to a large and important part of the community—the white population of Natal. When they considered such an important subject as that before the House they should consider it on broad lines and try to place themselves in the position of those who were under a disability in the matter. The hon. member for Victoria County had briefly sketched the incidents leading to the position of affairs at the present time; he (Mr. Clayton) wanted to say that the Indians in Natal might be roughly divided into three classes. The first, the Asiatic, or, as he was sometimes called, the Arab, was a man who came there of his own accord to trade with the native population, and who had since taken away the whole of the small white's store-keeping trade in the country and much of the native trade. That class was strongly represented in the Peninsula here. The second class, the majority of the Indian population in Natal, were free to leave or go where they liked in the Province or engage themselves in any pursuit they pleased. As a matter of fact they were entering into a wider sphere of occupation than would have been believed to be possible when they came into the country. In the third class which came under the operation of Act 17 of 1895, and upon whom was laid the burden of either going back to India or re-indenturing and thus remaining outside of colonisation, and were called upon to pay the £3 per annum tax.

NOT AN UNJUST TAX.

He hoped hon. members would not confuse these classes when dealing with the question. He maintained that on the main body of Indians in Natal this £3 tax which it was now proposed should be removed constituted no burden, but on that portion only which had come out knowing full well that unless they re-indentured themselves or returned to India they would have to pay that tax. He would like the House to consider the

grounds upon which the Commission based their reasons for removing the tax. They recommended it for two reasons: the first was that the Act was inoperative; another was that the tax was imposed upon a minority which would be placed in a worse position than those who had come into Natal within recent times. With regard to the first objection, he had figures to show that the tax accomplished what it was intended to do. The Act was passed in 1895 owing to the fact that certain Indians were then not indentured, and as the tax was not made retrospective it became operative in 1901. It would then be seen that the Act, as soon as it came into force, had an immediate effect. The figures of those returning to India in 1895 were 415; in 1896, 236; in 1897, 418; in 1898, 183; in 1899, 503; in 1900, 448; in 1901, 639. Then the Act came into force in 1902, when 1,482 returned to India, thus showing the effect which that tax had upon the Indians who had served their term of indenture. In 1903 the number was 2,029; in 1904, 1,672; in 1905, 2,078; in 1906, 3,939; in 1907, 3,484; and in the following year, according to the evidence before the Commission, out of 7,735 who had completed their indentures, 3,989 returned to India, those who were left, of course, taking up their licences. In 1909 the number rose to 4,895. Who, he asked, would say that the tax was inoperative? Rather, had it not served the purpose for which it was imposed? The true reason was that the tax had not been collected of late. If that had been properly done there was no doubt but what the same proportion of Indians would have left Natal as in the previous years. He thought that disposed of the first reason given by the Commission for the abolition of the tax. In regard to the other point, that the tax was placed upon a small portion of the Indian population, the question might be asked: Why was it placed upon that small proportion and was it not an injustice done to that minority? They found that these Indians had been taking up occupations in the country instead of returning to India.

Mr. P. DUNCAN (Fordsburg): Why didn't you stop bringing them in?

Mr. CLAYTON (continuing) said that a deputation went to India prior to 1895 to make representations to the Indian Government with regard to the return of its subjects. The idea was that the men should either work or go back and not settle down in Natal. Nothing, however, came of the deputation, and in 1895 the Act was passed. The Natal Parliament, however, did not wish to do an injustice to those who had been in Natal prior to the passing of the Act, and these were allowed to remain without any disabilities, because they had been called to Natal, but from that time forward the Government was resolved that those who came should be placed under the disability of paying the tax, and there was no doubt that these people knew perfectly well under what conditions they came to this country. Personally, he might say that of all those who had passed through his employ he had never heard a man dispute the terms of his contract. (Hear, hear.) He did not think that any Indian desired to remain in the country but that he looked forward to the time when he would go back to India, and in asking that this tax should be removed an act of injustice was being done to Natal. There was a very strong feeling in the northern parts of Natal that the country should not be overrun by Indians. At a recent agricultural conference two resolutions were passed. The first related to the undesirability of having a permanent Indian population and the second to the desirability of retaining the present tax of £3 per head.

FOLLOWING THE INDIAN'S EXAMPLE.

During the existence of the Indian strike he (Mr. Clayton) had heard natives working in his own fields saying that if they could not get what they wanted they would have to strike as the Indians had done. The lesson of the Rand strike, followed by the Indian strike, would make it strange if on some other questions there might not be passive resistance on the part of the native population. That was a fear which had been expressed and made by public men in Natal, and that was what had passed in his own mind when he thought of their passing such a Bill as that. The Bill was not going to be final, and would be a sort of stepping stone to civil equality and the franchise. It might be contended that Natal was to blame for having brought these Indians to South Africa. In 1874, when the second

importations had been instituted, it was on account of the drifting away of their native labour to the diamond fields of the Cape. Since then they had had the drifting of their native population to the goldfields of the Union. If they (the Natal people) had been selfish, it had been for their own preservation and to do something for their living and for their work. The question had been raised about these Indians being British subjects. How would that view be dealt with, he asked, if they were to send 100,000 of their native subjects to live in India free to do what, and to go where, they pleased! The desire not to embarrass the British Government at the present time was a point which appealed to him, but in reply to the right hon. member for Victoria West (Mr. Merriman) he would say, suppose that a thousand Indians were shipped and arrived at the Cape. Would the hon. member say that they would receive them with open arms and make them their fellow subjects? In Natal they had gone into the mire and they did not want to go deeper into it. They did not want a proposition which would make them sink deeper into the mire. Referring to what the Minister had said, the hon. member said that, as an employer of Indians and as one who came into contact with very many employers of Indians, effect had been given to the law and the Protector of Indians had insisted over and over again that they should provide for the payment of arrears of the £3 licence by instalments. Every endeavour had been made to see that the law was brought into operation. No man was going to run this head into a noose for the sake of a few men who had not paid the licence. The case had been prejudiced, as he had said, by the non-collection of the licences in the past, in the days since Union. As to what the hon. member for Weenen (Mr. Meyler) had said about waxing fat on Indian labour, the hon. member for Victoria County (Mr. Henwood) had never, so far as he knew, had an Indian in his employ, so that it would not be said that the hon. member waxed fat on Indian labour, nor could it be said of the other hon. members to whom he (Mr. Meyler) had alluded. Continuing, Mr. Clayton said that they believed that they represented public opinion in Natal on that matter, and that the colonists of Natal were opposed to the continuance of the Indians within the borders of Natal as colonists. The hon. member for Germiston (Mr. Chaplin) had inquired what was the use of keeping that on. It was costing the employers of Natal just as much having that indentured labour as if these men were free men, but the difference was that if they became free men they might not return, but settle on the land. That was the purpose of the tax, and a man must return after he had served his period. He knew that the Immigration Board had sent a telegram that they agreed to the abolition of the £3 licence for the purpose of not embarrassing the British Government. Their first duty in South Africa, said the hon. member, was to themselves—(Ministerial cheers)—and they had a right to protect themselves, so that those who came into the country knowing that they would have to pay, and were now serving out their periods of indenture, might finish their time and might be compelled to carry out the terms of their contract under which they had come to South Africa. Knowing how the unenlightened native and Indian would regard that measure as yielding to force, he must oppose its second reading.

A BLESSING OF UNION.

Mr. T. BOYDELL (Durban, Greyville) said that he took exception to the remark of the hon. member for Zululand, that he was speaking for the people of Natal. That was not so, because he was only speaking for the people who had brought the Indians into the country and who were exploiting them for their own ends. It was interesting to listen to the various Natal members who opposed the measure on the ground that the abolition of the £3 tax was going to flood the Province with free labourers, and that that would be bad for the white community. From what they had said one would have thought that they had stood up on platforms and advocated that these men should not be allowed to land. He (Mr. Boydell) had been connected for some years with an agitation which had for its object the prevention of these Indians being allowed to land in the country, and being exploited for industries which Natal could very well have done without. These were the men who had spoken in that House whom he (Mr. Boydell) and his friends had had to fight. One of the blessings in Union so far as Natal was concern-

ed was the fact that the Union Government put a stop to the further importation of indentured Indian labour, and those men who had spoken in the House had waxed rich on the labour of these Indians. What had Natal got after all? They had got 135,000 Indians against 99,000 Europeans. They had a sugar industry which had they never seen if they would have been better off to the tune of half a million a year. He admitted that this was a problem that bristled with difficulties, but let not the Minister imagine that this was a final settlement. They were only starting with it. If they had to deal with it properly they would have to deal with it on more radical lines. But happenings during the last 12 months, the sacrifices by the Indian community and bloodshed had forced the Minister to come to grips with the Indian problem. Incidentally he pointed out that the trouble in Natal in the past had been that the balance of political power had been held by the country party. He pointed out that all the members of the last Government in Natal were elected by 2,000 votes altogether, whereas the hon. member for Roodepoort, who was then the junior member for Durban, got 2,000 votes himself. Most of the clauses of the Bill they could not disagree with on principle. They had got the question of the £3 tax, and they had also got the very important clause which had not been sufficiently touched upon except by the hon. member for Tembuland, viz., clause 6, which provided for free passages not only to indentured Indians, but, he took it, to all Indians in Natal. That was a big step in the right direction, but it was not by a long way a big enough step. The indentured Indians in Natal had had their passes on the determination of their indentures, or, if they liked to re-indenture, any Indian, no matter how long he might have been in the country, could have a free pass. With that part of the clause they were in agreement, but he hoped to move an amendment so as to extend the provisions of this clause in order that the Government might deal with this problem in the way in which it should be dealt with. That was why he would not be altogether against a referendum of the people in Natal if it were put on a wide basis so as to enable them to deal with the problem as a whole. They must remember that in removing the disabilities of one section of the community they should not create additional disabilities upon another section. They had got to take care that in doing justice to one section they did not inflict an injustice on another section.

AN INEFFECTIVE TAX.

With regard to the £3 tax, he was not one of those who in the past had attached very great importance to this tax, whether it was on or off. As had been shown in this House, it had been largely ineffective. The authorities had not been able to collect it in the past, and he did not suppose that, if it were retained, they would be able to collect it in the future. The hon. member for Zululand had quoted some figures showing the effect which this tax had had in making Indians return to India. As far as they went, those figures were quite correct, but they did not go far enough. It would be found that the number of Indians who returned to India or went back into indenture very largely depended upon the degree of prosperity or depression in the country. (Hear, hear.) They would find that when Natal was going through a period of depression the number of Indians who returned to India went up considerably. If the hon. member for Zululand had not stopped at the year 1908 he would have seen how, when there was a revival of trade, the number of Indians who returned to India fell in a very marked fashion. In 1908 the number who returned was 4,685, but in 1909, when things started to get a little bit better, the number who returned fell to 3,614, and the figures for the next few years were as follows: 1910, 3,199; 1911, 2,630; 1912, 1,409; 1913, 1,700. He would like to give the House the number of Indians who were liable to this tax in 1912, the number who paid the tax, and the number of prosecutions under the tax. This tax, to his mind, was nothing more or less than a blind, throwing dust into the eyes of the population of Natal, who were agitating for the stoppage of further importation into Natal. This was a case of the chickens coming home to roost. In 1912, out of a total number of free Indians of 46,000, the number liable to this tax was 10,206, and the number who paid the tax was 1,594. The Government collected

£4,782 from the men, whereas they should have collected £30,600 if they had all paid the tax. The number of women liable was 5,089, and the number who actually paid the tax was 41.

THE GREAT WEAKNESS.

The Government collected about £123 out of £15,267. An hon. member asked why didn't the Government collect this tax. (He, Mr. Boydell), would like to refer him to the speech of Mr. Harry Escombe in moving the second reading of the Act of 1895. They could take civil proceedings for non-payment of the tax, but they could not put the Indian into gaol for non-payment. In 1912 341 Indians were prosecuted for non-payment of the tax, but they did not pay after all, and 80 of them were prosecuted to show cause why they did not pay. Seven of that number were put in prison, not for non-payment of the tax in the first place, but for refusing to comply with the order of the Court to pay so much a month. There was the weakness of the whole thing, and the people of Natal accepted that as a solution when it was only dust thrown into their eyes, and the sooner the people realised that whether the tax was on or off it made no difference in the general movements of the Indian population, the sooner would they find the solution of the problem. With regard to repatriation said Mr. Boydell when the hon. members for Victoria County, for Borea, and for Zululand all professed a great interest with the white community of Natal, and he thought they should support an amendment to ask the Government to inaugurate a scheme which would include the assistance of all parties concerned, the Indian Government, the Indian community of Natal, the Home Government and the South African Government, to see if they could not put their heads together to enable them to repatriate large numbers of the Indians, and give them sufficient inducement to go back to India. They would be quite willing to take advantage of it.

Mr. J. HENDERSON (Durban, Borea): We must hear the scheme.

Mr. BOYDELL said it was not the place to lay down any cut and dried scheme, but he thought one of the lines he had suggested would serve the purpose. He had had many talks with Indians in Natal. One had told him that he had been there 21 years. He was a man holding a high position, and was very well educated. His social standing was equal to any white and he said that if the Government would offer him £50 to take his wife and family back to India he would be prepared to go to-morrow. He (Mr. Boydell) did not think he was any exception to the rule. A large number of them agreed it would be more satisfactory if they could go back to India, and some monetary compensation. That would be more acceptable than patch-work schemes.

POLITICAL AND CIVIL RIGHTS.

It had been said that Indians would not be satisfied until they got full political and civil rights. Well, it would be difficult to stop any community advancing in knowledge when there was latent capacity on their part to learn and to adapt quickly themselves to the highest educational standards. If they were tax payers and equal to the other citizens of the country educationally it was difficult in theory to deny them full civil and political rights, however disastrous that might be. There were 50,000 male Indians in Natal, free and indentured, 27,000 women, and 58,000 children, making a total of 135,000 in all. Against that 50,000 men there were only 30,000 male adult Europeans. There was a majority already of 20,000 male adult Indians in Natal as compared with the white male population, and whilst the Indian population was increasing year by year by leaps and bounds the white male adult population of Natal had gone down by no less than 4,000 since the previous census. Ten years ago there were something like 200 white tailors employed, and very few Indians in Durban. To-day they could not find more than 60 white tailors there, but they would find between 200 and 300 Indian tailors. Many of those 60 white tailors could not possibly compete with the Indian tailors owing to the low standard of living amongst the Indians. In the French polishing trade the white men got 14s. a day, and the Indian £3 to £5 a month. Ten years ago the majority of the French polishing in Natal was done by whites, but to-day it was done by Indians. The same applied in the upholstery

trade, and in the painting and tinsmithing businesses again, the Indian was ousting the white man out of the country altogether. The trade had increased tremendously in Natal, and that increase had been made possible by absorbing more Indians and Kafirs and doing with fewer poor whites. The position as regards Natal was indeed a serious one. We had either got to save our sugar industries or to save Natal. (Hear, hear.) The position was quite simple, they had got to save a few industries which had been worked by Indian labour or to save the white population of that Province, and it rested with that House to say what they were going to do. He did not doubt but what the Bill was an honest attempt on the part of the Minister to settle the question, but to his (the speaker's) mind it was only a step towards a settlement. He had an amendment to move, although it was difficult to oppose a Bill while agreeing with its main principle. Much had been said about the Indian being fully aware of the contract he was entering into when coming to this country, but from reliable evidence they were told that this was not the case, but that they were more or less hustled into accepting the terms. His amendment was "that legislation modifying the present laws relating to Indians in Natal should contain provisions definitely prohibiting any further importation of indentured Indians or other labour to Natal; and the Government should take into consideration the advisability of providing inducements, including monetary compensation, to members of the present Indian population of Natal to return to India." They wanted the Minister, when replying, to give a categorical assurance that something on these lines would be done, but something that would be fair to the Indians themselves. He thought an attempt should be made to settle them down in their own country, even if they had to pension them off for life. That was a view held by the majority of people in Natal—that some inducement should be held out to them to go back again to their own country. He would not be at all surprised if the Indian Government would, if asked, place land at the disposal of these men. He thought a gift of money here and land in India would induce them to return.

A NARROW ESCAPE.

Mr. SPEAKER: Will the hon. member read his amendment.

Mr. BOYDELL again read it.

Mr. SPEAKER: No, no, that is expenditure—monetary contribution.

Mr. BOYDELL: It is only asking the Government—

Mr. SPEAKER: If that is carried, it means that the Government must introduce legislation incurring expenditure.

Mr. BOYDELL: No; it is only asking the Government to consider the advisability.

Mr. SPEAKER: Let me look at the amendment.

Mr. SPEAKER having read out the amendment, asked who seconded it.

Mr. C. H. HAGGAR (Roodepoort) seconded the amendment.

Mr. W. F. CLAYTON (Zululand) said that he desired to make a personal explanation.

Mr. SPEAKER: Yes; with the leave of the House.

Mr. CLAYTON thereupon said that in the end of his speech he had misquoted a telegram, and he had not read the word "not" which appeared therein. The resolution which had been unanimously passed was that the Board approved of the action of the Government in not giving way to pressure, etc.

Mr. C. H. HAGGAR (Roodepoort) said that the hon. member for Durban, Greyville (Mr. Boydell) had suggested two alternatives, but he thought that both could be carried out. The leaders of the sugar industry of Natal had told the Commission in 1908 that they could grow sugar in Natal at a profit by using white labour, if they could only secure conditions similar to those in Australia. The sooner the Government looked in that direction the better it would be for all. He thought that the hon. member for Zululand (Mr. Clayton) would agree that Natal had always been more than just to the planters, and now under Union the Natal planters were treated with more generosity. Had the planters taken advantage of their opportunity or had they turned their face in another direction, and had they not in spite of a large quantity of Indian labour available in Natal gone to India for another supply?

Did the hon. member remember what had been done at the end of 1910 or the beginning of 1911, when allotments had been cut up and Indians settled there as a bait to the people of India, but they had not taken the bait, and the people had not come. He did not understand the hon. member's jeremiad about land being cut up and using the white man. He (Mr. Haggard) had found that it was not the white man who was required there, for when white men had been unemployed he had tried to get them to cut cane in the sugar fields, but not a single one was allowed to do so. The hon. member proceeded to quote from what Col. Wylie had said in the Natal Parliament that they had laid down a law that no Indian should work unless he had paid his licence and that no man could employ him until the licence had been paid; that the licence was payable through his wife and children, and that it had never been intended that the wife should pay.

REAL BLACK PERIL OF SOUTH AFRICA.

He regarded this as the real black peril of South Africa. It was an economic menace whether it was a social menace or not, and anything that the Government did in the way of limiting or destroying the civil he would be prepared to support. He was sorry that the Government had not gone further than it had done, and said that 75 per cent. of the people of Natal would be prepared to support any movement on the part of the Government to send the Indians out of Natal. He then referred to a tour which he made in Natal with another gentleman, and said at every centre they held a meeting on this question they carried a resolution unanimously in favour of stopping Indian Immigration.

At this point,

Mr. SPEAKER intervened and said that the hon. member for Durban, Greyville, had moved an amendment which should be in the nature of a superseding amendment to the second reading of the Bill, and it stated that legislation should be introduced prohibiting the importation of indentured Indian labour. He thought that that was the law now.

Mr. F. H. P. CRESWELL (Jeppe): No, sir.

Mr. SPEAKER: That is the law under the Act of last year, as far as I remember.

Mr. CRESWELL said that the law did not definitely prohibit the importation of indentured Indian labour. He read the clause and pointed out that it rested with the Minister. There was nothing definite which would prevent a Government from acceding to a request that indentured Indian labour should be imported.

Mr. SPEAKER: That was to attain the object, was it not.

Mr. CRESWELL said that the law did not specifically prohibit the importation at present.

The MINISTER OF FINANCE: The hon. member is quite right—the prohibition of importation is in general terms. That has been exercised, and the Minister has deemed that all Asiatics are unsuitable to the country.

Mr. CRESWELL said that other Ministers might think differently. There was no security that another Minister might not deem Asiatics suitable for the Province of Natal.

Mr. SPEAKER: The hon. member can proceed.

Mr. HAGGAR (continuing) said he believed that in two years all existing indentures in Natal would cease and there would be a good chance for the Minister to take a bigger step if he desired to do so. He referred to the prohibition of Kanaka labour in Australia, and said that, of course, at first there was a howl, but since then the industries of the country had been doing very well. In two years in Natal the Government could see that better labour was employed, or it could take over the sugar estates at a valuation and work them themselves. Dealing with the tax, he said that whether it was continued or taken off he did not think it would make a great deal of difference. The fact of the matter was that the principle was bad, and the speaker went on to deal with the tax in relation to Indian women. The hon. member went on to say that, if it were intended that the tax should not be paid by women, that injustice ought to be removed. He knew hundreds of instances where the men had been absolutely unable to pay the tax. It had been a very cruel imposition, apart from the amount and from any principle involved in it.

OBJECT OF THE TAX.

With regard to the object of the tax, he pointed out that he had heard planters, members of Parliament, and employers of Indian labour in Natal, say again and again that it was not the tax they wanted, but they wanted to compel the Indians to re-indenture. Hon. members in the Natal Parliament said that they would rather have the Indians after the first term, because they were worth more money. They used and worked them until they could work no longer. They had been told that these Indians re-indentured because they were satisfied with the conditions of service. The Protector, however, said that the immediate object of re-indenturing was not to secure a passage to return to India, but because they were penniless and in debt, and had not saved enough to return to India. He (Mr. Haggart) was not going to say that cruelties had been very extensive, but there had been cases of very harsh treatment. He hoped the Government would make up their minds soon. He had a scheme whereby this matter could be settled. Let them take away the privileges from the sugar industry which it had enjoyed so long, and send the coolies back with a nice little sum in their pockets. In five years' time they could empty the country at least of all the undesirables. They must put the Natal sugar industry on a fair basis, fair from the standpoint of the country, and not rob the country year after year, as it had been robbed and was being robbed to-day. On economic grounds this system ought to cease, on grounds of humanity it ought to cease, and if we had any Christianity at all it would cease and cease straight away. He hoped the Government would resolve that there should be a real settlement, a settlement that would endure.

Mr. T. ORR (Pietermaritzburg, North) said that on this Bill he took a view which was opposite to that of many of his colleagues from Natal. It seemed to him that the hon. member who had moved this amendment did not desire to see a settlement of this question, because his amendment would have the effect of indefinitely postponing legislation on the subject. That was part and parcel of the methods of the members on the cross-benches session after session. They wanted to create difficulties. The other amendment, that the second reading should be taken that day six months, meant postponing it for ever. He could not agree with that, and with regard to the referendum amendment, why that was equally impossible now that Natal had entered the Union. There appeared to have been an air of unreality about the discussion since two o'clock. The hon. member referred to the evidence of one of the witnesses before the Commission, which expressed the opinion that the tax was not an inducement to cause indentured Indians to return to their country. That was an opinion which the Commission itself also agreed with. That talk about goading the Indians into rebellion gave one to think that a tremendous number would be affected. But the tax had almost fallen into disuse, and of the 10,000 who were liable to be called upon to pay the tax it was only collected from some 3,600—those who were in constant employment and easily got at. The tax was not worth while collecting from a revenue point of view, and matters had now gone so far that it would not be possible to properly collect the tax. If it would put them in a position to remove embarrassment from the British Government it was not worth while to enforce the tax. But it was not the desire on the part of some of the Natal members who had spoken, so much to force the Indians to go back, but to cause them to re-indenture. Why should they not be honest and say so? Even on that ground, however, it would not last very long, because further indentured labour had been stopped from coming into the country, and soon they would be all free labourers. They would not go back, because there was more inducement at the present time for those men to remain in this country than previously. He wished to support the second reading of the Bill, believing it to be an honest attempt to settle the difficulty of the £3 licence, a matter of which far too much had been made.

A FREE STATE OPINION.

†Mr. C. T. M. WILCOCKS (Fouresmith) said it was not his intention lightly to deal with an important matter like this. When they went to Natal and saw the position of affairs prevailing there, they at once realised the seriousness of this question. Every speaker to-day had emphasised that the

coolie was an undesirable element. We did not wish to treat the Asiatic harshly or unjustly, but he held that an attempt should be made to get rid of the Indian. Instead of the Bill, however, doing that, it proposed to make matters easier for him. He felt that the £3 licence constituted an incentive for the Asiatic to return to India. And now it was proposed to remove this incentive. He could not see that there was anything harsh in the £3 licence, especially in view of the fact that the indentured labourers had come to South Africa knowing exactly under what terms they came here. The new danger which was being created was that the coolie could settle on the land as a free labourer. He remained here because in this country he could make a better existence than in his own country. In twenty years' time the country would swarm with coolies, and the effects on the white population could only be disastrous. Everyone who had come in contact with Asiatics knew how difficult it was to compete against them in every sphere of trade and commerce. Under the Act of last year the Asiatic was given certain protection, but this new Bill extended this protection even further. It was curious how certain suggestions made by "The Times" last year had been acted on, Mr. Wilcocks went on to say. He wished the House to realise the dangers to which it was exposing the country. They often heard of a white man's country, but how could they ever make it a white man's country in these circumstances. His fears for the adoption of this Bill had been greatly reduced after the speeches of the Natal members. The hon. member for Umvoti (Colonel Leuchars) was to him like the Oracle of Delphi. On a previous occasion he had made his voice heard on an important question, and had caused a great tumult in the country. However, his voice had then been listened to. If it was again listened to now, he would go a long way towards mending the wrong he had done then. In conclusion, Mr. Wilcocks said that he hoped the Government would not go on with this measure.

WHAT ARE THE REASONS?

Mr. C. G. FICHARDT (Ladybrand) said that he could not understand why that coolie tax had not been collected, and if there was a law which required that the tax should be paid, it seemed that there was something wrong because that tax had not been collected, and the Minister of Finance in his speech had not made it clear why that tax had not been collected. If the law was not to be carried out in regard to the Asiatics in Natal, it was no use passing another law if it would simply lead to another evasion. He asked if the Minister of Finance would allow them to escape the income tax if they wandered about the country—because the Asiatics did not pay their tax because it was said that they wandered about. The native poll tax, the hon. member went on to say, was collected through the country, and it seemed to him that there were other reasons for the non-collection of that tax on coolies than the reason that it was difficult to collect. Instead of imposing further disabilities on the Asiatics they were now removing disabilities and making it easier for Indians in that country. The hon. member proceeded to quote from the evidence given by Mr. Dick before the Indian Commission as to how Indians evaded and circumvented the immigration regulations. It did seem to him, said the hon. member, that instead of relaxing the laws they should be strengthened. The Asiatic question was such a serious one in South Africa that they could not, and dare not, trifle with it. The other dominions had taken steps to keep Asiatics out of their country, and these dominions had nothing like the difficult problem which they had in South Africa in connection with the coloured question. It had been shown over and over again how when Europeans and Asiatics came together the Europeans went invariably to the wall. As to what the hon. member for Durban, Berea (Mr. Henderson) had said about the Orange Free State sitting still, he would find the Orange Free State with him to a man in preventing the entry of any more Indians to South Africa. The Orange Free State at present was being invaded by Asiatics from Natal, as the hon. member for Ficksburg (Mr. Kayter) could bear out. The hon. member (Mr. Henderson) might rely upon the support of the people of the Orange Free State in regard to restrictions against Asiatics entering that country. Dealing with the position of Natal, the hon. member said that if Natal had made a mistake in the past and Natal had

seen that it was a mistake, South Africa should see what could be done to deal with that very great evil which existed in Natal. Continuing, he said that the removal of the disabilities would be an encouragement to Indians of all classes to stay in South Africa, and he thought that they should not complicate their problems by the importation of more colour into South Africa. A gentleman, whose opinion was valuable, told him that in time the Free State would be overrun by coolies, and he asked his friends not only to fight for the purpose of keeping the coolies out of the Free State, but to fight so that more might not enter South Africa. Messrs. Gandhi and Company had told them that this £3 tax business was merely the beginning, and that what they were aiming at was equality with the white man and for the franchise. He read an interview which had taken place with Mr. Polak, who said that they wanted the assurance of the Minister that the Immigration Act would be sympathetically administered. He also said that the acceptance of the Bill did not mean the abrogation of the claim to civil equality in South Africa. He thought that members from the Free State were opposed to any lightening of the burdens on Asiatics.

LOOSENING THE BONDS.

As a convinced opponent of the admission of Asiatics into South Africa, he would oppose any loosening of the bonds. Instead of sitting there and considering the question of removing disabilities on Asiatics in South Africa, they ought to be considering legislation which would repatriate all these Asiatics that we had in this country. He would vote against this Bill, because he believed that in removing these disabilities they were opening the door further to the admission of Asiatics into South Africa.

Mr. F. H. P. CRESWELL (Jeppe) said that the hon. member for Pietermaritzburg, North, knew as well as he (Mr. Creswell) did that this was the only stage at which it was competent for them to move an amendment indicating their objection to the Government measure, on the ground that there was no provision for expenditure in a certain direction, which they believed absolutely necessary to make the policy of this Bill efficient. It was perfectly open to the Minister in committee to propose an amendment to strengthen clause 6 by offering distinct monetary inducement to any Indians who were prepared to emigrate back to their own country. With regard to the second point, about which Mr. Speaker had some doubt, the question of the importation of further indentured labour, they anticipated, approving as they did in the main of this Bill, that the main effect of the abolition of the £3 tax was going to be a distinct blow at the indentured Indian labour system. The effect would be that the planters, if they wished to retain their Indians, would probably have to pay them higher wages. They knew that influences would be brought to bear on the Government, to which the Government would always find itself amenable, to depart from their present stated policy of refusing to allow any further indentured supply to supplement the supply of labour, which would be found to be running short. In two years' time they might have pressure brought to bear on the Government to cause some other experiment to be tried. They on the cross-benches did not want one form of indentured labour to be superseded by another; what they did want was that the Government should recognise that the difficulty was of our own causing, and that we must spend money to induce as many Indians as possible to return. Then, no longer under the fear of a continually advancing tide of Indian population, but with the stream flowing the other way, we should be able to deal with the whole matter in a calmer and wiser spirit.

†Mr. J. G. KEYTER (Ficksburg) said to him it appeared there was no hardship in the contracts signed by the Indians. But now it seemed that the Indians wished this House to alter the contracts which they themselves had entered into. After having concluded the indentures they had to submit to a certain pass, for which they had to pay £3. There were no real grievances. What were called grievances were what the Indians were told by agitators like Gandhi and Co. If the collection of the tax was difficult, where the Magistrate had to hand out the pass to the Indians for which he was paid £3, then he wondered how other taxes were to be collected. Surely the Magistrate had a list of those people, and if they did not pay, there was the police.

If the tax was not collected, why then was it not? How could, in these circumstances, the Government complain of lack of revenue? How did Gandhi, Polak and Co. know of this Bill, he asked, before even this House knew anything about it? He disagreed with the statement of the hon. member for Ladybrand, that Indians still entered the Free State. Since the passage of last year's Act, he wished to say, to the credit of the Minister of Finance, that no Indians had entered the Free State. (Hear, hear.) He quoted the case of an Indian who had been sent back from Ficksburg to Cradock. It was simply a matter of Administration, and he wished to tell Mr. Gandhi that if he with his followers entered the Free State he would quickly be thrown over the borders. In conclusion, Mr. Keyter said that he could not vote for this Bill, and that he did not see any necessity to impose fresh taxation, seeing that such a large source of revenue was neglected and ignored.

GENERAL SMUTS' REPLY.

The MINISTER OF THE INTERIOR, in replying on the debate, said he had heard many arguments in the course of the debate, but very few indeed against that Bill. The whole force of the arguments had been directed against the policy—the fatal—suicidal policy adopted by the Natal people many, many years ago. That policy had been condemned there more strongly by the Natal members than by members from any other part of the Union. If Natal had made a mistake many years ago, and had been trying to undo that mistake by trying to pass impossible legislation, that did not absolve them from doing their duty. They found that it was possible to-day to arrive at a solution—the subject was a difficult one, and the matter had cost a great deal of trouble already, but to-day they thought they could get to some finality. Hon. members asked what reason had he or the Government for supposing that some finality might be reached in the matter. Well, they had heard from the Government of India that they were satisfied with the re-

port of that Commission, and that if that report was passed they would look upon it, from their point of view, as satisfactory. If the people of that country could come to some solution which could be approved of by the Government of England, as it had been approved of by the Government of India, they had gone a long way towards a solution of the difficulty. It was said, would the Indians accept it? The hon. Minister went on to quote from an article in "Indian Opinion" of June 3, where the Bill was referred to, and other administrative actions which had been taken in terms of the report of the Commission. The article wound up by saying that the struggle had gone on for years, and had meant enormous losses and suffering to the community, might be said to be honourably closed.

THE LABOUR AMENDMENT.

He thought therefore that they might assume, whatever might lie in the distant future, that if that Bill passed, and the Government carried into effect the other recommendations of the Commission, then they might assume that they would have peace. The hon. member for Greyville had moved an amendment, the object of which was to go a good deal further. He (the Minister) thought that the hon. member wanted more effective steps taken to see the Indians in this country repatriated, and to further Indian labour brought here. To the last point no assurance was necessary. Unless something quite unforeseen happened no indentured Indian labour would come into South Africa again. With regard to the other point, to secure repatriation he might say that the Government would go a long way to secure that point of view. From what he had heard it was the universal opinion, not only of the people of South Africa, but also of the people of Natal, who three years ago sent a deputation to beg on its knees that the embargo should be removed, and more Indians brought into Natal. He could assure hon. members from Natal that the Government would do all in its power to get Natal out of the mire.

They were at a very late stage of the session, and they were determined to get this Bill through. If they overloaded this Bill with repatriation provisions they would cause trouble. Let them deal with that matter separately, and on its merits. The Government would favour a policy of that kind, and go a long way to see it carried out. He hoped the hon. members on the cross-benches would not therefore shelter themselves behind this amendment, because the Bill went a long way in the direction they desired. He thought the Government was proposing to take the right course, and he hoped the House would stand loyally by the Government.

Mr. SPEAKER put the question that all the words after "that," proposed to be omitted from the original motion for the second reading of the Bill, stand part of the motion, and declared that the "Ayes" had it.

Mr. C. A. VAN NIEKERK (Boshof) called for a division, which was taken with the following result:

Ayes	60
Noes	24

Majority for the motion ... 36

It was therefore decided that the words should stand.

The following voted in the minority: Messrs. Clayton, Myburgh, Keyter, Henwood, Henderson, D. H. W. Wessels, Maginness, Haggart, Andrews, H. W. Sampson, Creswell, Madeley, E. N. Grobler, Fawcus, Woolis-Sampson, Leuchars, Fichardt, H. P. Serfontein, H. W. Serfontein, J. H. B. Wessels, Van Niekerk, P. G. W. Grobler, Wilcocks, and Boydell.

The motion that the Bill be read a second time was then agreed to. The Bill was read a second time, and set down for the committee stage on Thursday next.

The House adjourned at 11.35 p.m.

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