

Indian Opinion

PUBLISHED WEEKLY IN ENGLISH AND GUJARATI

No. 25—VOL. XII.

WEDNESDAY, JUNE 24TH, 1914.

Registered at the G.P.O. as a Newspaper
PRICE THREEPENCE

THE RELIEF BILL IN THE SENATE

IN the Senate, on the 19th instant, Mr. SMUTS (Minister of the Interior) moved the second reading of the Indians Relief Bill. In doing so, he recapitulated his speech in the Assembly.

Senator WINTER congratulated the Minister on his sincerity, and the Indian Commission on their report. He thought, he said, that the report and the evidence which they had collected was in accordance with the views that were held by many. Were members, he asked, going to do their duty to South Africa by preventing the Bill from becoming law? That Bill was going to retard their future if it were placed on the Statute Book. Senator Winter, proceeding, said that, if they were not under Union to-day, would the Natal Legislature ever have admitted a Bill of that description? Never. He was surprised that they should ever give way to the passive resisters who had gone to the Transvaal, there to defy the law. He did not agree even with the principle of the Bill, and would have no alternative but to move an amendment that the Bill be read that day six months.

Senator MARSHALL CAMPBELL said that he rose with very great pleasure to support the Bill. He had always looked upon the treatment of Indians as very cruel and unjust as regards that special licence upon them. It had been a mistake to get them into Natal. (Hear, hear.) It was a very great mistake. The Imperial, Colonial and Indian Governments had come to an agreement on each occasion, but as time went on it had been found that the agreement did not work as it should, and they had now come to a time when they must look very seriously into that matter. It seemed to him so unjust that a very small section of the Indian community in Natal should be specially taxed who were more industrious and useful, and produced more than all the other Indians put together; and to put a tax on these people seemed to him to be totally unfair. One section of the community—the planters—looked upon the licence with the greatest pleasure because they anticipated that the men would be forced to re-indenture; and they all knew that an indentured man was more valuable than the free man, just as a slave was more valuable than an indentured man. The law was bad because there had been no machinery for collecting the licence. A timid man would pay the licence, and another man would not, and the Government servants would have money deducted from their wages. He did not think that more than 6 or 7 per cent. of the Indians from whom the money was due had paid the licence. If an Indian had a grudge against another he would say that the man had not paid his licence. There were no means of collecting the money, and, if an Indian did not pay it, he could be committed for contempt of Court. He said that it was a mistake to have brought these men to Natal, but, having done so, they must treat them fairly. (Hear, hear.) These Indian traders about whom they heard so much had been encouraged by large merchants and bankers. He

had asked a banker once whether a certain Indian was reliable, and the reply was that he had an overdraft of £41,000. (Laughter.) Senator Campbell, proceeding, said that these traders had been given every credit, and had paid for goods which they obtained from merchants in Durban and Maritzburg; but later, when they had started importing themselves from England and the Continent, the cry had been raised that their competition was ruinous. He had stood alone before in Natal against taxing that section only. It might surprise hon. Senators to hear that it was only 10 or 15 per cent. of the Indians of Natal who worked for the sugar planters. Government and the Corporations were also very great sinners, and the coal mines, in importing Indians. In nearly every house in Natal the servants were Indians. The people who cried most were the people who had made a great deal of money, and the comfort of whose home was due a great deal to Indian servants. He hoped that no other Senator would speak as Senator Winter had spoken. It was not the feeling of Natal only that they had to consider, but the feeling also of the Union and of the Imperial Government. The Bill was a very necessary and just one, and he hoped it would be passed. They had some very rough things in sight if that Bill were not passed. He would support the Bill with all his heart.

Senator CHURCHILL said he recognised the importance of the Bill, and he would give it his vote with a great sense of his responsibility. However, he wished the present Bill was merely part and parcel of a larger Bill, dealing more comprehensively with the whole Indian question. He regretted, he said, that the Minister had not told them a little more of the pressure brought to bear on the Government with regard to the Bill. Although he did not like the Bill as it was, it would be improper to slight the English Government and Indian Government by not supporting it. He wished to meet the Government in their present difficulty, he said, yet it was right that hon. Senators should vote with their eyes open. With reference to the £3 poll-tax, he explained that when the tax came into force it was put into the hands of the police to deal with. No proper steps had been taken at first, and when in 1904 a move was made to collect it the result was that the Indians were found to be considerably in arrears and could not pay. It was then noticed that a large number began to return. After that the Government once more slumbered, and the number of those returning was reduced. Then the last agitation took place when the Government awakened up again, and the result was as before—arrears and more returns. He would have liked to have seen a wider and more comprehensive Bill. He did not quite like the way by which the tax had been removed, namely, agitation; but still he felt that if there was an injustice being done it was right to give justice when it was due.

Senator Colonel SANGMEISTER said he hoped that when the Bill was in the Committee stage certain of

the clauses would be altered somewhat. He would point out the seriousness of the agitation among the natives, and he would vote for the second reading with mixed feelings on grounds that he would have liked the question dealt with in a far larger way.

Senator NEL said he thought it was strange legislation to knock off a tax which brought in some thousands of pounds sterling per annum, while introducing legislation for raising more money. He was surprised to hear Senator Campbell describe the licence as an unjust tax. He did not propose voting against the second reading of the Bill, but he would certainly oppose, when in Committee, the tax being taken off.

Senator SCHOFIELD said he thought this was a matter which required more consideration than the Minister had given to it. It appeared to be generally believed that the Indian indentured labourer was brought to this country under false pretences, but the Act of 1906 made it perfectly plain that this was not so, because the conditions under which labour was imported had been submitted to, and ratified by, the Indian Government and the individual Indian was given to plainly understand, by reading over to him what the conditions were. Referring to the report of the Commission, the hon. Senator contended that it was not of such value as that submitted by a Commission which sat in 1909, for the reason that the latter went more deeply into the causes of Indian unrest. The commencement of the trouble, he said, was not in Natal, but in the Transvaal. Natal, he continued, was satisfied with the present state of affairs. (Cries of dissent.) The present movement had been engineered by Mr. Gandhi. It would not do for the Minister to think that he (the Minister) had finished with the question. It was only the beginning of the struggle, and labour disturbances were nothing to the trouble that the Indian question would bring. Senator Schofield vigorously opposed the Bill, and said he did not think the Minister should put any weight on any article in INDIAN OPINION. If Indians were too poor to pay the licence, they would have gone back to indenture, and then they knew they were well off. There had been a great deal more imagination than fact in these complaints from Indians. It was not the poor man who was called upon to pay the licence, and he saw no reason for withdrawing it.

The Bill received support during the debate from Senator Sir MEIRING BECK, Senator Col. STANFORD and Senator BRUKES. The last-named, however, objected to repeal the £3 tax.

Senator DE VILLIERS said he hoped something would be done administratively to counteract what the Free State had done in regard to Asiatics.

The debate was adjourned.

The second reading of the Indians' Relief Bill was resumed on the 22nd instant.

Senator WINTER withdrew his motion that the Bill be read that day six months.

Senator STUART hoped they would pass the Bill, and that the Government would do everything in its power to repatriate the Indians.

Senator VILJOEN supported the Bill—first, from the Imperial point of view; and, secondly, from the South African point of view. In Natal the Indians had been introduced for economic reasons. If they admitted these people they must not make helots of them, but treat them justly and fairly.

Senator Col. BYRON saw no inherent difficulty about some arrangement being come to by the Union Government with the British and Indian Governments to repatriate the Indians. He would vote for the Bill, as an instalment of a larger measure to deal with a difficult and dangerous question.

The MINISTER of the INTERIOR (Mr. Smuts), replying to the debate, said that he agreed with the hon. Senators who, recognising the great importance and far-reaching effects of the problem, advised a comprehensive solution; and if that were possible it would be wrong for the Government to stop at half-measures.

But, so far as inquiries had been made, they had come to the conclusion that no good purpose could be served in going in for a bolder policy, and therefore they had restricted themselves to the policy laid down in the report of the Indian Commission and in the Bill now before the House. A number of points had, he said, been raised in the course of the debate, but several could be better dealt with in Committee, and he did not propose to deal with them now. Senator Winter, the Minister said, had made a point, and made it repeatedly, about the admission of coolies into Zululand. He (the Minister) could not quite follow what the hon. Senator was aiming at, because today there was nothing to prevent Indians going to Zululand, and if Senator Winter would go there he would find thousands of them there. The hon. Senator had also referred to trading. He might assure the hon. Senator that, so far as the Bill was concerned, no step was taken to relax the law safeguarding the position in Zululand. They were repealing no law whatever, such as the hon. Senator seemed to think. Not a word was said in the Bill to detract from Act 31 of 1905. Senator De Villiers, the Minister continued, had asked what other administrative measures were to be taken which would satisfy these people, in addition to the legislative proposals now before the House. The hon. Senator, Mr. Smuts said, would find them summarised on the last page of the report of the Commission. Fourteen points were mentioned. About four or five of them were being dealt with by them legislatively. If they were to carry out the provisions of that report they would do all that could reasonably be expected from them to restore peace. Of course, it was possible that, whatever they might do, peace would not result; but he did not think that considerations of that nature should prevent them from doing their plain duty under present circumstances. They found that there was a state of affairs in Natal which did no good to the Union. The Commission had reported that the £3 tax had not sent the people back to India. If they were slackening any of their precautions the case would be different; but here they found a safeguard which was no safeguard at all, and the Commission had found it had been fruitful only as a source of trouble. They would be wise to recognise the position, and remove the causes of the trouble, which were sure to become more dangerous to the peace and good government of the Union as years went on. The Minister said he did not see how they could avoid the issue now. He thought they were bound as a Government to pay most careful attention to the findings of the Commission. Could they, he asked, shoot people down, and set parts of the Empire ablaze? He thought that when they saw there was a way out of these troubles, a line marked out for them, which would secure peace—for the present at any rate—let them adopt that line.

Senator SCHOFIELD asked whether, according to Schedule 1, Act 39 of 1905 was not repealed?

The MINISTER of the INTERIOR: There is nothing in this Act saying so.

The motion was agreed to, and the Bill was read a second time.—Condensed from Reuter's report.

The appointment of an English missionary to a bishopric in India is in itself a most desirable and proper proceeding, but, viewed in its relationship to the future of the Church in India, the good effect which it should produce is largely discounted by the fact that the promotion has been made by the State, to a post created and supported by the State. The *quondam* missionary enters into official life: is gazetted to his appointment in the official gazettes: is granted leave or furlough by the State: travels "officially" first-class on the railway, at the public expense; all of which, so far from making the Anglican episcopate an attractive rallying point for the Indian, has a tendency to create a remoteness, the evil effects of which the bishops try to counteract by their personal efforts.—Rev. Nichollo (late Archdeacon of Lahore).

From the Editor's Chair

THE LATE SIR DAVID HUNTER

THE news reached Durban on Sunday that Sir David Hunter, K.C.M.G., one of Natal's most sincere and broad-minded public men, had passed away, after an operation at a nursing home in Edinburgh. Sir David was well-known as one who stood up for the weak and oppressed. In as out of Parliament his voice could always be heard in favour of justice and fair-play, especially on behalf of those who were unrepresented in the Legislature. The Indian community will feel his loss very keenly. During his twenty-six years' connection with the Natal Government Railways as General Manager he was known as a humane employer. He always spoke well of his Indian employees and they always thought highly of their Chief. We well remember, at the time of Mr. Gokhale's visit, Sir David, speaking at the historic banquet in the Durban Drill Hall, in the capacity of Chairman, saying that, through long and varied experience, he had learned to respect his Indian staff for their faithful and useful service, and he, therefore, had satisfaction in believing that they reciprocated his feelings towards them by loyal trust in him. He also spoke of the innate dignity and courtesy which were characteristic of the Indian race. Sir David, along with many others, maintained that the £3 tax was an unjust imposition, and we had the assurance from his own lips that he intended to support its repeal at the earliest opportunity. Had it not been for the unfortunate illness which took him to Scotland in the hope of relief, we are confident that there would not have been a more faithful supporter of the present Indians Relief Bill than Sir David Hunter. To the relatives and friends we offer our sincere sympathy and condolence, and we feel sure that the whole Indian community will share our feelings.

A MISCONCEPTION

OUR esteemed Durban contemporary, the *Mercury*, has raised a great hue and cry over an alleged flaw in the Indians Relief Bill. In an article published in its columns some days ago, doubt was cast upon the question whether an Indian would be allowed to remain in the Province after he had completed his term of indenture. It was contended that, when the £3 tax was removed, the privilege of remaining in the country would be taken away and the only alternatives left would be either to re-indenture or return to India. A further point was raised. Under the Immigrants Regulation Act the Minister had the power to declare all Asiatics "prohibited immigrants" on economic grounds. The ex-indentured Indian, it was maintained, would fall under this general rule and, when found within the Province, could be deported. This interpretation of the position, if correct, would be entirely unacceptable to passive resisters who could never be party to any legislation depriving Indians affected by Law 17 of 1895 of domiciliary rights. But the interpretation of the *Mercury* is wrong. The Union Government, of course, never contemplated such a step, and we have a message from Mr. Gandhi stating that he has received a written assurance from the Minister that the effect of the Bill would not be to bring into existence the position stated by the *Mercury*. We also publish in another column the telegram sent by Senator Marshall Campbell which states, on the authority of the Minister, whom he had interviewed in the matter, that ex-indentured Indians will be free to return to India or remain in Natal as they wish. Our readers, therefore, may remain unperturbed.

Immigration Board's Wrong Decision

Before the Full Bench of the Supreme Court, judgment has been given in the matter of an application by Mahomed Ismail Cassoo for a writ of *mandamus* against the Durban Immigration Appeal Board to order them to submit certain questions of law to be reserved for the decision of the Supreme Court. At the appeal heard in May last, the Board had refused to do so and dismissed the appeal.

Mr. Harold J. Stuart appeared for the applicant, and Mr. Douglas, K.C., the Attorney-General, for the Board.

After hearing the arguments of counsel, which were at some length, their Lordships gave judgment in the following terms:—

Mr. Justice Dove Wilson, the Judge-President said:— This is an application in effect for a *mandamus* to compel the Immigration Appeal Board to perform a duty committed to it under the Immigration Act, which, it is alleged, it has refused to fulfil. It is conceded by the Attorney-General that the Immigration Board is such a tribunal as may be ordered by this Court in its inherent jurisdiction to perform its statutory duty, provided that that jurisdiction is not expressly ousted by the terms of the Immigrants' Regulation Act. Section 3, sub-section 1 of that Act provides that: "No Court of Law in the Union shall, except upon a question of law reserved by a board as in this section provided, have any jurisdiction to review, quash, reverse, interdict or otherwise interfere with any proceedings, act, order or warrant of the Minister, a board, an Immigration Officer or a matter, had, done or issued under this Act, and relating to this restriction or detention, or to the removal from the Union or any Province, of a person who is being dealt with as a prohibited immigrant." It is said in the first place that the action of the Board in refusing to reserve the question of law which the appellant asked to reserve was a proceeding under the Act and therefore that this Court has no jurisdiction to interfere in any way. There might be more to be said for that contention if it were not for the terms of sub-section 2 of the same section. There it is set forth that "a Board may of its own motion, and shall at the request of the appellant or of an Immigration Officer, reserve for the decision of a superior Court having jurisdiction any question of law which arises upon an appeal heard before such board."

The Liberty of the Subject

The obvious intention of the Legislature was to oust the jurisdiction of this Court except in regard to such questions of law as might be reserved. But, for the protection of the subject whose liberty is interfered with by the Act, it is declared that, where the appellant desires it, any question of law arising upon the appeal shall be reserved by the Board. The Board has no discretion. I think it would be rendering the enactment altogether nugatory if we were to hold that this protection of the subject can be taken away by the simple expedient of the Board refusing to state a question. The Board has been precluded by the words of the statute under which it acts from taking any such course, and, therefore, if a question of law does arise in an appeal, and the Board refuses to reserve it at the request of the appellant, it seems to me impossible to say that their action "is a proceeding, act or order had, done or issued under this Act," because it is a proceeding done in direct violation of what is expressly enacted by the Act. If, therefore, there is a question of law here which the Board has been asked to, and has refused to, reserve, I think there can be no question that our inherent jurisdiction to order them to perform what the Act says they shall do is not ousted. The question of law which the Board was asked to reserve was this: Does Section 30, Act 22, 1913, take away or affect the domiciliary rights already acquired by appellant under the repealed Acts 30, 1913, and 3, 1906;

in other words, does not that section only refer to persons leaving the Province after the passing of that Act?" I am not sure that that question is altogether happily worded, but the legal issue which it raises is clear enough. The Board, however, without indicating, as I understand, during the course of the argument, whether it was prepared to reserve the question or not, proceeded to give judgment, basing it upon a ground no indication of which, as I also understand, was given to the applicant's counsel during the argument.

The Board's Judgment

The judgment is: "The Board in considering the question of domicile is concerned only with the definition of domicile in Section 30 of Act 22 of 1913, and if a domicile certificate under a former statute is produced it may be received as affording evidence of domicile, but the question of any rights claimed to have been conferred by such certificate is a matter outside the scope of the Board's consideration, and the Board, therefore, refuses to consider the matter or to reserve it as a question of law arising upon the appeal, because, in the opinion of the Board, the fact that the appellant left no property or interests whatever in South Africa, and lived outside of it during the past eight years and owns property, a house and ten acres of land in India, and his wife and family resided there, and have never been in South Africa, he has lost any domicile he may ever have had, and the appeal is dismissed." The first observation which occurs to me in regard to that, is that, if the Board held the view that it was only concerned with the definition of domicile in Section 30 of Act 22 of 1913 and was not concerned with the effect of rights acquired under prior statutes as affecting the application of the Immigrants' Regulation Act, the least it should have done was to have indicated, previously to giving decision, that that view was operating in its mind, when at any rate it might have proceeded to judgment with the advantage of knowing the view of the appellant upon that all important question, it should not have proceeded to judgment without his having had an opportunity of urging anything that he thought might be urged against that view. It was stated during the course of the argument that, taking that view of the scope of its function, the Board considered that the question of Law which it was asked to reserve was not one arising upon the appeal. But I have no doubt that appellant's counsel, had he known what was operating in the mind of the Board, would have at once asked it to reserve the question whether that view was legally maintainable for the consideration of this Court, and had he done so I fail entirely to see upon what possible ground the Board could have refused his application.

An Extraordinary Contention

The duty of the Board is to reserve, at the request of the appellant, any question of law which arises upon an appeal heard before it, and why a question should be any the less a question of law arising upon the appeal, because it involves the consideration of the effect of the statute under which the Board is appointed upon rights acquired under previous statutes, I am utterly at a loss to conceive. The very thing which the Board has to determine is whether the appellant falls to be restricted under the Act, and that must depend in the first instance on whether he comes within its operation. The view of the Board amounts to this that, though in law an immigrant is not affected by the Act, the Board is, nevertheless, bound to go through the farce and injustice of considering his appeal on the footing that the Act applies, and of giving a judgment in those circumstances against which there shall be no appeal. To my mind, the contention has only to be so stated to show that it cannot, for a moment, be countenanced; and it will take much weightier reasons than I have hitherto heard urged to convince me that anything so extraordinary was ever in the contemplation of the Legislature. The question which the Board has to

determine upon appeal is whether or not the appellant falls to be restricted, and, if that question involves the consideration of rights acquired under other Acts or affected by the Act under which the Board is appointed, it is none the less a question of law, and a vital question of law arising upon the appeal which it is its duty under the Act to reserve at the request of the appellant, for the decision of this Court. I confess that I have difficulty in understanding how the Board has come to hold this view of its functions. I have the greater difficulty because it involves a departure from the practice of the previous Board, and not only that, but a refusal to consider the decision of this Court given in answer to practically the same question as this Board refuses to reserve, and it was arrived at, apparently, without any argument in the appeal. I do not say that the Board was not conscientiously of opinion that this was not a question of law which it was called upon to reserve, and I should be sorry to have to entertain the suggestion which has been made that it is so much the creature of the Immigration Department that it has adopted this attitude merely at the bidding or on the advice of the Department, or that the Department have attempted in any way to influence or fetter the decision of the Board in appeals against the actions of its own officials; but I should have expected in the circumstances a somewhat fuller statement from the Board of its reasons for the course it took than are contained in the words of the judgment.

The Right of the Appellant

But it was contended that the Board is the judge in its own decision of what is a question of law, or whether it arises upon the appeal. The plain and simple words of the Act, however, are: "The Board shall, at the request of the appellant, reserve for the decision of a superior Court any question of law which arises upon an appeal," and it cannot have been intended by the Legislature that the protection thus afforded is to be taken away whenever the Board erroneously thinks that a question is not one of law, or that it does not arise upon the appeal. It is the right of the appellant to have any question of law arising on the appeal determined by this Court, and the express duty of the Board to reserve it for that purpose and if the inherent jurisdiction of this Court extends, as I think it does, to seeing that the Board shall not refuse to do what it is expressly enacted it shall do, this Court must decide whether the question is one of law and arising upon the appeal in order to determine whether the Board has done its duty or not; and, if in the opinion of this Court there is such a question, it is its duty to ensure that the Board shall reserve it. I have no doubt whatever in the present case that the question which the Board was asked and refused to reserve is a question of law, and a most important one, arising upon the appeal, I think that we must not hesitate to order the Board to perform the duty enjoined upon it in express terms by the Act of reserving it for our decision.

Mr. Justice Broome and Mr. Justice Bird delivered concurring judgments.

An order was then given directing the Immigration Appeal Board to state a special case for the Supreme Court's decision of the question of law raised by the applicant, Cassoo, within seven days from the date of the above judgment. No order was made as to costs.—*Natal Advertiser*.

London, June 20.—The British Columbian Government is entertaining the officers and crews of the Japanese cruisers Asama and Azuna, now at Victoria, after a round of visits to North Pacific ports. Rear-Admiral Kuros, on paying a visit with his staff to the Lieutenant-Governor, was accorded a public welcome, a guard of honour being furnished, and other courtesies exchanged. The men of the fleet were entertained by the Corporation.—*Reuter*.

Indians' Relief Bill

The Indians' Relief Bill was read a third time on the 17th instant and transmitted to the Senate.

The MINISTER of the INTERIOR moved the first reading of the Indians' Relief Bill, in the Senate on the 18th instant, which was agreed to.

The Amendments

The following amendments to the Indians' Relief Bill, moved by the Minister in the Committee stage, were carried:—

Clause 2 (1) before "Indian female" to omit "or" and to substitute "and." In the same clause, after the words "that there exists between them a union," to omit "then."

The following new clause *seven* was substituted for the one appearing in the Bill:—

"If in the administration of any law any question arises as to whether an Indian who produces a certificate of former residence or domicile in Natal is identical with the Indian who was lawfully entitled to obtain that certificate, then, if the thumb impressions placed on that certificate, when it was issued by the immigration officer, are identical with the thumb impressions of the Indian who produces it, the certificate shall be conclusive evidence of such Indian's "former residence or domicile in Natal."

The Position of Ex-indentured Indians

In consequence of some articles appearing in the *Natal Mercury*, casting doubt upon the question of the right of ex-indentured Indians to remain in the country, that paper has received the following telegram from Senator Marshall-Campbell:—

"Capetown, June 22.—I have seen General Smuts this morning in regard to the question of the freedom of expired-indentured Indians to remain in Natal or return to India.

"The Relief Bill does not interfere with such Indians, who will under the Bill be free to return to India or remain in Natal, as they wish.

"I am authorised by Mr. Gandhi to state that he is quite satisfied that the Bill does not make the Indians affected by it 'prohibited immigrants,' which, in Mr. Gandhi's opinion, would be a result never contemplated either by the Imperial, the Indian, or the Union Government, or the Commission of eminent lawyers who inquired into Indian grievances, and made the recommendations acted upon in the Bill."

Mr. Gandhi's Statement

Capetown, June 22 (Reuter).—Senator Marshall Campbell has received the following telegram from Mr. Gandhi: "With reference to this morning's conversation between us about the telegram appearing in today's *Cape Times* regarding the Indians' Relief Bill, I beg to repeat what I said before this morning, viz., that I do not know of any such Indian agitation as referred to in the wire. I am sure that no responsible Indian has taken exception to the Bill. I do not believe for one moment that the Bill makes Indians affected by it prohibited immigrants—a result never contemplated by the Imperial Government, the Government of India or the Indian community, or, I feel sure, by the Union Government."

Press Comments on the Debate

Whilst there was a great deal of fury in the criticism showered upon General Smuts's Indians' Relief Bill (says the *Rand Daily Mail*) the attack was not very convincing. It was roundly asserted that the measure would hand Natal over to the Indians. But if Natal is to become a kind of second Mauritius in course of time—which is not impossible bearing in mind the growth of the Asiatic population—the maintaining of the £3 tax would not alter its fate. Nor would the withdrawal of the entire Relief Bill do so. Natal made its bed years ago as far as the Indian population is concerned, and it must lie upon it with what comfort it can. . . . As a matter of fact a good deal of humbug is talked in Natal about reducing the Indian population by means of the £3 tax. Most of those who want the tax do not want it because it is going to drive coolies back to India, but because it persuades many of them to re-indenture on the plantations. The policy which produced the tax was founded upon the old idea which dies so slowly in South Africa, that it is part of the duty of the Government to supply the industries of the country with cheap coloured labour. The planters found that their coolie labourers were apt to leave the estates at the termination of the first contract, and take up more remunerative, or attractive, work, as free men. Then the danger to Natal was conveniently discovered. A heavy special tax was clapped on the Indians who refused either to re-indenture or return to India. The result was that numbers of them re-indentured in order to avoid a tax they felt they could not pay. . . . But there are many who talk loudly about that phase of the question who are really far more concerned in keeping up the supply of indentured coolies for the estates. . . . It seems to us that the Bill embodies a reasonable settlement of a thorny problem. . . . To the Indians who have got in, and to those born in the country, it must act fairly, though at the same time it is entitled to offer something to those who care to return to their native land. The Relief Bill constitutes a reasonable settlement of the problem, and we hope it will be a lasting one, and that the Indian difficulty will not trouble the South Africa of the future in the way it has the South Africa of the past ten years.

"South African News"

What we have wanted (says the *S.A. News*, Capetown). is an amicable settlement, by which all concerned will be prepared to abide. That, we believe, has been found in the present Bill. And, more than that, we would go so far as to express our confidence that here in South Africa we have at last found a permanent and final solution of the difficulty. Here is something of which South African statesmanship may be proud, and in which it has set an example to the other oversea Dominions of the Empire. The provisions of the measure have already been explained and commended in these columns. They offer a fair and reasonable compromise, and do full justice to Indian sentiment. But General Smuts, in his eminently happy and statesmanlike speech, made it clear that the Government is prepared to go even further still, and that it proposes to give effect to the recommendations of the Solomon Commission, not only in the direction of legislative reform, as the present Bill does, but in the direction of administrative reform as well. Altogether, it is plain the Government is prepared to meet the Indian community fully and frankly—within, of course, the limits of the basic principles on which the Union of South Africa is constituted. On the one side, old scores are to be wiped out; on the other, we have a pledge that past grievances will be forgotten. Let us hope, then, that, with the passage of the Bill, the last will have been heard of the Indian immigration question in South Africa.

Asiatics in America

The *Observer's* New York correspondent states:—

Mr. Bryan has failed in his well-meant efforts to suppress the revived cry for the exclusion of all Asiatics from this country during the negotiations with Japan over the California alien land issue. Mr. Anthony Caminetti, Commissioner-General of Immigration, has defied the efforts of the Secretary of State and has fanned an agitation within the precincts of Congress itself.

Testifying before the House Committee yesterday on the pending Bills excluding Japanese, Hindus, and other Asiatics from the country, Mr. Caminetti not only denounced the Japanese coolies as a menace to the United States, but demanded that all Asiatics should be barred on account of the diseases they brought, especially the hookworm, which afflicted Hindus. Mr. Caminetti, who is a Californian, said:—"People in California are awaiting patiently the diplomatic agreement on the Japanese question. I do not think they want to await the diplomatic settlement of the Hindu question." He asserted that Japanese were being smuggled in large numbers and Hindus swarmed on the Pacific coast.

Two Hindus appeared to protest before the committee against the Exclusion Law on the lines of the Canadian Act which Mr. Caminetti favoured. One of them, Dr. Sudsindra Bose, of Iowa University, said that the Canadian law was not approved by the British Government, and, if it did so, such sanction would precipitate trouble, and possibly a revolt in British India.

Congressmen are generally astonished at Mr. Caminetti's views and are looking to the Administration to take him to task for running counter to its expressed wishes to respect the feelings of Japan. The Pacific Coast members on the other hand are jubilant.

The Naturalisation Bill

In the House of Commons, on May 13, Mr. Harcourt moved that the Bill for the Imperial Naturalisation of British Nationality, which had come down from the House of Lords, be read a second time. The Bill, he said, was agreed between the British Government and all the Dominions, and was a final and welcome solution of a problem which for thirteen years had caused doubt and difficulty and discussion, and had seemed to be insoluble. It applied to all Crown Colonies, and residence there would be as effective as residence in the Dominions or in the United Kingdom for naturalisation. But, in the Crown Colonies, naturalisation would be effected by the Governor of that Colony, and subject to his discretion and also to the discretion of the Secretary of State. In the past there had been some fear on the part of the Dominions that British or Imperial naturalisation might give rights of entry to people who under their laws were excluded immigrants. But it was quite obvious when the matter was discussed and considered that naturalisation could not and would not give rights which were withheld by law from native-born British subjects. There was no derogation in the Bill from the autonomous legislative rights of the Dominions as to the exclusion of any class of individual whatever their nationality, and all these were saved by Clause 26 of the Bill.

Sir GILBERT PARKER observed that not one of the Overseas Dominions will find it necessary to alter its own naturalisation laws under the Bill. Its own laws would remain, but extra territorial legislative powers were given and power to legislate for those who had already acquired naturalisation in their own Dominion, so that by further residence of one last year in that Dominion they could become subjects of the British Crown throughout the Empire and throughout the whole world. That was very desirable if the Empire was to

possess any inherent power and give any definite rights to its citizens. For the first time these definite rights were given as an act of the Imperial legislature to every subject in the Empire. But the Bill did not give the rights of citizenship in any portion of the Empire. It would be a mistake to suppose that if this Bill had been law it would have altered the position of those labour leaders who were deported from South Africa. Their position would be exactly the same so far as South Africa is concerned.

Mr. HANDEL BOOTH: And the Indians?

Sir GILBERT PARKER: Yes, so far as the Indians or anybody else is concerned. Citizenship must be acquired in each individual country within the Empire according to the laws of that individual country, and that is not changed.

Earl WINTERTON rose to call attention to the proviso of Clause 8, Sub-section (1), which was in the following terms:—"Provided that, in any British Possession other than British India and a Dominion specified in the First Schedule to this Act, the powers of the Government of the Possession under this Section shall be exercised by the Governor or a person acting under his authority, but shall be subject in each case to the approval of the Secretary of State, and any certificate proposed to be granted shall be submitted to him for his approval." That Sub-section gave the Secretary of State in the last resort the right to administer the Act in British Possessions. He thought that it should also apply to British Protectorates.

After some further discussion, the Bill was read a second time, and referred to a Standing Committee.—*India.*

News in Brief

The *Daily Mail* correspondent at Christchurch reports that the New Zealand Government will introduce legislation in June prohibiting the immigration of Asiatics.—*Reuter.*

Messrs. G. A. Natesan & Co. of Madras have recently published a useful history of the rise and growth of municipal government in Bombay from the ever-vigorous pen of Mr. D. E. Wacha. No more useful recorder of the municipal history of *urbs prima in Indis* could be discovered than Mr. Wacha, who has been so long a member of the Corporation and is one of its past Presidents. The volume, which is well got-up, is dedicated to the "Lion of Bombay," Sir Pherozeshah M. Mehta, who has been associated with the Corporation since its inception, over 40 years ago.

The Anti-Slavery and Aborigines Protection Society last year drew the attention of the Imperial Government to the system of slavery prevailing in the Lushai Hills on the Indian Border. Dr. Peter Fraser of the Welsh Calvinistic Mission made a bold stand in Lushai against the system and was practically deported by the authorities on that account. "It appears," says the Society's organ, "that the Directors of the Mission have now declined to send him back to take up his work in the district. He was asked by them at the general meeting to answer "unconditionally" whether he would promise to co-operate with the missionaries in India and with the Executive Committee at home. His reply was "Yes, as far as practicable in my field of labour," but that he dared not surrender his conscience and liberty of speech and action unconditionally to others. The Chairman then told Dr. Fraser that they were not able to send him back to India."