

Indian Opinion

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INDIANS AND TAXI-CABS

MR. A. C. Hadfield gave judgment on the 23rd ultimo, in "D" Court Johannesburg, in the case in which Arthur Bennet, a taxi-cab driver, was charged with refusing to drive Mr. Hajee Ismail Aboobaker in his taxi. He said:—

In this case the accused is charged with a breach of section 3 of chapter E of the traffic regulations in that he refused to accept an offer of immediate engagement. The complainant is an Indian. That point, however, is not wholly relevant in this case, because I can find nothing in the regulations to show that with regard to engaging a public vehicle there is any distinction between the rights of an Indian and European. The section reads as follows: "Every public vehicle as aforesaid standing, or being on any public stand, or in the public streets shall be deemed to be plying for hire, and the driver thereof may not refuse to accept an offer of immediate engagement from any person not excluded by the municipal by-laws, unless actually hired for the whole or some portion of the time for which such person seeks to engage him, or *bona fide* returning to his stable, and the driver shall, if required by the person seeking to engage him, or by any member of the Police or the Inspector of Vehicles, produce written or other evidence of being hired."

To interpret this section one has to look at other sections of these regulations as well as to the definitions of other expressions. It may here be mentioned that the accused in this case holds a licence for a "motor-cab," "for hire as a cab," rated as first class—there is no definition in the by-laws of a "motor-cab." It is provided in Section 4 under the heading of "cabs" that no "native" shall be allowed to act as driver or conductor of a cab rated as first-class, and no driver of a first-class cab shall carry any native as a passenger thereon.

Definition of a Native.

The term "native" is defined as follows: "The term 'native' shall mean any person both of whose parents belong to any aboriginal race or tribe of Africa." It is common cause that the complainant is a full-blooded Indian and clearly does not fall under this definition, though it is quite intelligible that a driver without legal advice might *bona fide* imagine that the term "native" had its broadest meaning, and I have no doubt as to the *bona fides* of the accused on this point.

Among the definitions we have the following: "The word 'vehicle' shall include any locomotive, motor-car, motor-cycle, carriage, coach, omnibus, car, cab, wagon, trolley, timber carriage, dray, drag, cart, jinricksha, trap, hand-cart, wheel-barrow or hand-barrow." Amended by *Government Gazette*, Notice 18 of the 3rd of January, 1908, the words "public vehicle" shall mean any vehicle plying for hire whether for the conveyance of passengers or for other purposes, and shall include any vehicle the seats or places in which are

reserved for passengers by booking their names at an office or by the issuing of tickets, or otherwise reserving to passengers their seats or places.

Various Words Defined

The word "cab" shall mean any vehicle plying for hire and used for the conveyance of passengers, excepting such vehicles as come under the definition of an omnibus hereinafter. The word "motor" shall mean any vehicle self-propelled by mechanical power and used for the purpose of conveying passengers or goods.

The word "driver" shall include the driver, conductor, carter, or hauler of any vehicle.

Now, in spite of the definitions above quoted of the word "vehicle" and indeed of the other terms mentioned, an analysis of the traffic regulations plainly reveals that these expressions or terms in the regulations such as "vehicle," "cab," "motor," etc., are used in various restricted senses as applying to one or more particular vehicles falling within the comprehensive definition above quoted, but not all. Therefore, one has to look closely at Section 3 under which the accused is charged. First to consider the meaning of the words "every public vehicle as aforesaid." Now, what does "as aforesaid" mean? It is difficult to guess what these words do mean, but it is important to note that in the preceding Section 2 (a) the word "cab" is used. One has next to inquire what particular class or classes of public vehicles are meant by this section. The words "public vehicle" are clearly used in a restricted sense here as elsewhere. "Cabs" and "motors" and different classes of vehicles have different stands, different regulations and different licences, but in this particular section 3 one is guided as to what was meant by the word "public vehicle" from the context of the section itself, which uses the words "or *bona fide* returning to his stable." In this instance the accused was the owner of a "motor-cab." Now, had the Municipality, when passing this by-law, the intention of making it apply to "motor-cabs"—not defined in the by-laws—one cannot conceive why they should not have added to the word "stable" some such words as "or his garage," or "shed" as the case may be. The word "stable" is not defined, and, therefore, must be taken in its popular sense; that is a shed where draught animals are baited or stalled, and clearly the taxi-cab driver has no "stable" for his motor.

Interpretation of Criminal Law

Now, a criminal law must be interpreted strictly and grammatically, and if there be any doubt as to whether an offence has been committed or not within the meaning of the words used in the law, the accused is entitled to the benefit of that doubt. I think that in the using of the word "stable" the intention plainly excludes "motor-cabs" from the operation of the words "public vehicle" in this particular section. There is, however, a further point in favour of the

accused in this case. Section 1 of Chapter (a) relating to the regulations of traffic, reads as follows: "The regulations of traffic in the streets and all other public places within the municipal area shall be in the hands of the Police, who are empowered to enforce these by-laws, and any person who shall disregard or refuse to obey any order or instruction given to him by any member of the Police under the provision of these by-laws, or in pursuance of the regulations and instructions of the Commissioner of Police in connection therewith, shall be deemed to have contravened these by-laws." I think the plain intention of this, as far as drivers are concerned, was "when in doubt ask a policeman and do as the policeman tells you." In this instance the accused did ask a policeman whether he was obliged to accept the offer of engagement of the complainant, but the policeman, in doubt, could not tell him. He therefore did not disobey the policeman, but acted quite *bona fide* when in doubt himself. It is the intention which constitutes the offence.

On this further ground, as well as on the above grounds, I hold the defendant is not guilty and must therefore be discharged.

A Farewell Gathering

Some European friends of the Indian movement, together with a number of Indians, assembled at the House of Dr. Gool in Capetown on Saturday afternoon (says the Parliamentary correspondent of the *Natal Mercury*), in order to congratulate Mr. Gandhi on the passing of the Indians Relief Bill. Among those present were Senators Powell and Marshall Campbell, and Mr. Meyler M.L.A.; also Miss Colenso and Miss Moltano. Mr. Marshall Campbell spoke for the Senate, and Mr. Meyler for the House of Assembly, both gentlemen referring to their pleasure that the injustice of the tax was now removed and other outstanding difficulties of the Indian community had been settled. Mr. Gandhi, in replying, referred to the period 21 years ago when he first came to this country, an Agnostic. He had since learned, however, to recognise that there was a Divine Purpose in the world, and a Divine Hand guiding events conformably thereto. In the long struggle for the removal of Indian disabilities, a struggle which had absorbed the best part of his life, he had had many a hard knock, and many things had been attributed to him that he had neither done nor intended to do. The method on which he had relied, which he thought was now beginning to be better understood, had nothing in it of a lawless or desperate spirit, but he knew always that it made more demands on a man's courage and endurance than methods of violence could do.

Mr. Gandhi said it was a harder form of agitation, which, in the present case, could not have succeeded had his own countrymen not supported him, as was their duty. He felt himself to have been but a tool, and one of many tools. His deep thanks were due to the many European friends whose help had most materially contributed to the success now realised. He remembered how during the month of the trying march into the Transvaal a large number of Europeans had met the Indian column at various points along the road and encouraged them with sympathy and practical assistance. Potent, however, though passive resistance was as an instrument for winning reforms—perhaps the mightiest instrument on earth—it could not have achieved success had the Indian community not moderated their demands to what was reasonable and practical. This, again, was not possible until some of them were able to see the question of Indian rights from the European standpoint.

Mr. Gandhi went on to say he had made it his aim to see that question with the eyes of those who had seemed to his fellowcountrymen to be doing them an injustice; and he thought that, after long effort, he had fairly well succeeded. As to the Bill, he would say

that it was a settlement of present difficulties. He felt that his countrymen in South Africa, after their struggle of eight years, were entitled to a reasonable period of peace. He had been impressed by the spirit of national and Imperial responsibility manifested in the recent speeches on the Bill in the Union Parliament, and if that spirit continued he had no doubt the Government here would be able to solve the problems which still remained in regard to their Indian subjects. He did not see that the peace now accomplished needed ever to be disturbed. There would be no more influx of Indians into the country. Indentured labour had been stopped for ever—let them thank heaven for that. The Indians knew perfectly well which was the dominant and governing race. They aspired to no social equality with Europeans. They felt that the path of their development was separate. They did not even aspire to the franchise, or, if the aspiration existed, it was with no idea of its having present effect. Ultimately in the future—he believed his people would get the franchise if they deserved to get it, but the matter did not belong to practical politics. All he would ask for the Indian community was that, on the basis of the rights now conceded to them, they should be suffered to live with dignity and honour on the soil of South Africa. The speech was received with applause by the united assembly of Europeans and Indians.

Farmer and Trader Versus Natives

The resolutions published below, which were adopted at a meeting of white traders and farmers at Palmerville, Sibasa, and which will be submitted to the Native Land Act Commission, are the quintessence of selfishness (says A.P.O.) The two interests responsible for the resolutions did not clash as they generally do. The trader wants the Black's money, and would follow him to the furthest corner of the Union as long as there is a farthing to be squeezed out of him. The farmer, on the other hand, wants human chattels. So there was a mutual understanding between these two human vultures. You assist me to drive the Natives off the land into locations, says the farmer to the trader, and I'll support you that only whites shall have trading licences in Native locations. It is almost inconceivable to what low means these men will resort to achieve their ends.

Because, says one of the resolutions, Natives do not make use of irrigation, and as they are in possession of irrigable land suitable for white settlers, therefore the land occupied by Natives should be taken from them and given to whites, who in turn will hand over to them (the Natives) some dry land. What the poor Native must do with the dry land is beyond our ken, unless the intention is to starve him into slavery. If such a forcible exchange takes place, the white trader will soon learn that the simple farmer sits with the best of the bargain, the starving Native will have little cash to spend on beads and trashy trinkets.

The resolutions read thus:—

"That this meeting consider the present terms under which trading stands are granted in Native Reserves very unsatisfactory and unfair. They therefore wish to put on record the conditions under which such stands shall be granted. All stores should be managed by white men, and all stands should be sold as freehold plots of not less than 25 morgen price per morgen to be stipulated by present Commission, the holder of said plots must fence them, and erect wood and iron buildings to the value of £200, and must at all times provide accommodation for two people. In cases of sales, transfer of licence and plot should be subject to the approval of the Native Commissioner of District. No such plots or licences to be granted to Indians or Coloured people."

"That the meeting further wish to put on record that they consider the Natives in this District have far too much land, and that no more land be granted them unless it is replaced acre per acre by land taken from them under the said Act, and that there is a large piece of irrigable land along the mountains very suitable for white settlers, which should be given them, and replaced by dry land, as the Natives do not make use of irrigation."

From the Editor's Chair

INDIANS AND TAXI-CABS

We publish in another column an extraordinary Magisterial judgment pronounced in Johannesburg, in a case where a taxi-cab driver was charged with refusing to accept as a fare Mr. Hajee Ismail Aboobaker Johari. Mr. Hajee Ismail, as is well known, comes of a distinguished family, is on terms of personal friendship with the Administrator of his native State, is a partner in one of the most important Indian businesses in South Africa, and lives and conducts himself in a manner that would do credit to any European. Whilst on a visit to Johannesburg, he wished to take a taxi-drive to one of the show places of the city, but the driver refused to take him on the ground that he was a coloured person and the by-laws forbade it. His counsel performed the impossible. He first protected himself behind those by-laws, and then he repudiated them altogether on the ground that they did not apply to taxi-cabs. The Magistrate has upheld this last contention. We will not pretend to set our judgment against his; we can only describe it, as we have already done, as "extraordinary." As a piece of logic it savours of the miraculous. We understand that the Transvaal Attorney-General's attention has already been directed to this case, which apparently places taxis outside the operation of one of the most important of the Johannesburg Municipal by-laws, with the request that he should bring it in review before the Supreme Court. This, we imagine, is his plain duty, for, apart altogether from the importance of the case on a point of principle to the Indian community, it must be a matter of considerable concern to the Johannesburg Municipality that a class of vehicle that is daily coming into increasing use with the public has been ruled to be outside their control in an important respect.

Minister Accepts Poverty

I have often asked myself at the close of a Sunday whether I myself were prepared to do what in my sermon I had been urging you to do.

I have felt for some time the incongruity between the position of being a man of God and the position of being a comparatively highly-salaried, comfortably-conditioned official in organised religion.

I am seeking personal poverty and the simplest kind of life, and also an unorganised and irregular form of preaching, a kind of way-side sowing of the seed.

—Edward W. Lewis (Assisi, May 11th, 1914).

In response to an irresistible inward urge, Rev. E. W. Lewis, M.A., B.D.—Edward Lewis, as in future he prefers to be called—has resigned the pastorate of the King's Weigh House Church in London and given up a salary of £600 a year. The extracts above are from his letter, read at the church meeting. It is significant (says the *Christian Commonwealth*) that it was written at Assisi, for ever associated with St. Francis, who took Poverty for his bride.

Senators on the Relief Bill

The following speeches of Senators on the second reading of the Relief Bill did not appear in Reuter's report published by us last week. We make a condensation from the *Cape Times*:—

Senator Sir MEIRING BECK said that he could not see how Senators, occupying the responsible position they did, could take up any other position than that pointed out to them by the Minister, who had reminded them of the bearing the matter had beyond the confines of the Union. The House should show its appreciation of the fairness of the British Government in dealing with the subject, which affected not only South Africa but the Empire itself as well as its huge Indian Empire. The British Government under the circumstances might have been compelled to take action, but it did not. It trusted to their honour as a self-governing Union. Whatever the merits were, how was it possible to take any other view but that of the Bill? They had appointed their own Commission, and he could not see how they could possibly go against its finding.

Senator Col. STANFORD said he intended to give his vote to the Bill on the merits of the case as put before them by the report of the Commission. The Commission had gone clearly into the question. He recognised that the matter was a big one. It was said that the abolition of the tax would cause an agitation amongst the natives. After giving the matter consideration he was bound to say that in his opinion no such effect would be produced on the native mind. He had failed to find that there were any points of sympathy between the native and the Indian. They were not of the same religion or language, nor did they appear to have anything in common. If the native needed to have an example set him to strike, he had the white man to follow, which perhaps he would do some day. But they had never had it urged that white men should not go out on strike because it would set the native a bad example, and for that and the other reason mentioned he did not share the fear entertained by some that the remission of the tax was going to have a bad effect on the native. When a native had a grievance he would never strike before adopting the course of complaining to the proper Government officials. He was pleased to find that Senator Churchill shared the same views held by himself on the matter, namely, that, although there might be a risk of the native taking advantage of the Government's attitude on the Indian tax question, yet justice should be done to the Indian. In conclusion, he wished to compliment the Minister on his excellent legislation, which promised to settle one of the gravest problems that had yet faced the country.

Senator BEUKES said that he would not vote against the second reading of the Bill, but he could not vote for the £3 licence being removed, and he could not see how it was an injustice on the Indian community that they should have to pay that tax, as the Indian and also he understood, the Imperial Government had agreed to it at the time. The idea was that these men should be forced to leave South Africa. These coolies had made certain persons rich in Natal, and the sugar planters wanted them. How many Europeans had not been driven by the Indians from the mines in Natal? He thought that Senator Campbell should have more sympathy with his own race. That Bill, to his mind, only showed the success achieved by Mr. Gandhi and his wirepullers. It was just because there was that jealousy between the natives and the Indians that he did not like that Bill, because the natives would ask for the franchise, now that the Indians were treated as they were to be under that Bill.

Senator LANCE heartily supported the Bill. There was one point he wished to refer to, though not in a critical spirit, but, as they wished this to be a final settlement, he would like to know whether in making provision for Indian marriages the question of "commu-

nity of property" had been taken into account? He was not aware how far the Indian community recognised this condition as being one of the "incidents" of marriage in this country, but from what he knew of the position of the wife in India the idea of community of property was quite foreign to their minds. In the Native Territories this very question had to be dealt with in a special manner to the extent that community of property did not apply to any marriage unless the parties concerned expressed a wish that it should do. Of course, if the Indian community had been consulted on the matter then his objection was answered, otherwise he thought that before the committee stage was taken the Indian local authorities should be consulted, and so have the matter put right before the Bill was finally passed.

Senator DE VILLIERS said that the Orange Free State had taken up a definite attitude with regard to the Asiatic question and had excluded the coolies from that Province, and he hoped that nothing [not "something" as report by Reuter.—Ed. I. O.] would be done administratively which would counteract what the Orange Free State had done.

Relief Bill Passed

On resumption of the debate on the Indians' Relief Bill in the Senate on Thursday, there were long discussions on the removal of the £3 licence, mainly on the same lines as on the second-reading debate. Further amendments were proposed, but none were accepted.

Ultimately the Indians' Relief Bill was reported without amendment, and the third reading set down for Friday.

On Friday in the Senate, the MINISTER of FINANCE moved that the Indians Relief Bill be read a third time.

Senator SANGMEISTER said he could not let the third reading go by without saying that he was dissatisfied with the Bill. He was convinced that it would not give the country rest, as the Minister had said. If these were the only reasons, he would certainly never consent to the Bill becoming law; but there were times when they had to forget their feelings and in this instance he was going to do so in the interests of the Empire.

Senator LUCKER said the people of South Africa had not been considered in this matter. He was quite sure, he said, the country would never have given its consent to this indentured labour being introduced if they had not believed there had been safeguards. These safeguards were now being given up, and the country would have to suffer thereby.

Senator SCHOFIELD said it was well-known that all Indians at the expiration of their indenture had their return fares paid. If they re-indentured they still had their fares paid when they wanted to return to India. It was understood that 11,000 Indians were then liable to the tax, and there were 22,000 still indentured who would become liable afterwards. There was an amount of £30 or £40 paid to the Indian Trust Board for return fares. What, he asked, was the Government going to do for the employers who had paid the money to the Board?

The MINISTER of PUBLIC WORKS, in reply, said the money was deposited with the Indian Immigration Trust Board. He could not say whether the Government would control the Board without special legislation being provided. He thought the Trust Board would look after the matter as would the employers themselves. The Minister continued, that he would like to say one thing more with regard to the Bill, and that was that Natal, by the passage of the Bill, was being brought into line with the rest of South Africa. Previous to that it had been divided from the rest of South Africa to a certain extent owing to the Indians.

In years to come Senators would realise that they had taken a step in the right direction. (Hear, hear.)

The motion was agreed to, and the Bill read a third time.—Reuter.

India and the Empire

From the numerous press comments on the question of Indians' rights within the British Empire, we extract the following:—

The *Manchester Guardian* says that the problem is one which will grow more urgent as time progresses. The diversity of the peoples comprised within the limits of the Empire forbids any real homogeneity between our various subject races. And yet a species of postulated homogeneity lies at the root of the Government of our Empire. Indians and Englishmen alike are subjects of the King-Emperor. The citizenship that they share is one and the same, its privileges equal and coincident. Yet how can any system of laws and Government join what nature has framed so differently? In this respect we are less fitted than was the Roman Empire to rule the world. The Romans divided the peoples of their vast dominions into the two classes of citizens and non-citizens. The gulf was artificial, and the rulers could bridge it or keep it open at their pleasure. We have closed all the gaps which law and convention would have enabled us to preserve. We possess no hierarchy of rights. Our Empire knows no distinction of citizenship, but all our multiform subject races are equal and free. Nature, however, has left our system of Government confronted with the abiding division of race which no art or legislation can bridge. The position is one which is fraught with danger, and, however we may defer the settlement of the problem raised, it is bound to grow in seriousness. Sooner or later it will imperatively call for solution. The solution in this instance is not ours. It rests with a community whose actions we cannot pretend, in so domestic a matter, to control. When the task finally becomes England's own, it will be idle for us to shut our eyes to the seriousness of unravelling it. We shall have to invoke a large measure of sympathy with races whom it is our task to advance in the world. At the same time, we must keep our eyes wide open to the fact that it is Western conditions and Western ideals, and not their Eastern contrasts, which it is our duty to render dominant in the great areas that we control.

"Daily Herald"

Things are blowing up for serious trouble on the question of whether the natives of India have the right to move freely to any other part of their own Empire.

Now, 600 Indians are on the way to Canada to assert their right, as British subjects, to live where they please, so long as they are not in danger of falling on the public rates by incapacity to earn a living. It is no use pretending that this problem can be settled by the abstract principles of liberty and equality. White and brown and black and yellow skins are not the same; and it is idle to pretend that they are. But, probably, most of the difficulty lies in the danger that the capitalists are prepared to seize the chance of cheap labour. If the immigrants get inside the Trade Unions much of the difficulty will go.

"Liverpool Courier"

Already very urgent representations have been received in London from the East and conveyed to the West. The action of the Canadian authorities seems to have strong popular approval behind it out there; but it is, I am assured, clearly irregular and ultra vires, and is, indeed, quite indefensible on any Imperial basis of argument.

The curious and rather ominous thing is that Anglo-Indians and Canadians are in this matter for the first time strongly in conflict. The former hold ardently the view that all subjects of the Empire must be free

within the Empire. The latter are almost vehemently hostile to what they call a colour importation. The question calls for great tact and great courage, and may tax the diplomacy of the departments concerned severely.

"Western Mail"

The Indian immigration question with which the Canadians are grappling presents difficulties which are absent from the question of Chinese and Japanese immigration which has arisen in the same quarter. The Indians are British subjects, and have nominally a right to settle anywhere within his Majesty's dominions. . . . The Canadians, like the South Africans, have the power to make laws excluding the Indians; they have also the power, though not the right, to treat Indian immigrants more harshly than they would dare to treat the subjects of a foreign Power. The problem is a simple one, though it is not a simple matter to make the Indians understand it. . . .

"Sheffield Telegraph"

This new trouble between Canada and India is clearly a serious matter. The pride of both sides is touched, feeling is high, and much statesmanship will be needed to effect a compromise. I am told that Lord Crewe (Secretary of State for India), Lord Hardinge (the Viceroy), and Mr. Harcourt (Colonial Secretary) have all made urgent representations to the Canadian Dominion about the Hindus who are endeavouring to land in Canada as British subjects.

Lord Hardinge lately assured the Imperial Legislative Council of India that an arrangement had been come to with the Canadian Government whereby permits would be issued to British Indians who desired to visit the Dominion. This arrangement still holds good, and in negotiating it no question was raised of making a continuous voyage from India a condition of admission. A refusal, if it be made on this ground, to allow the Sikhs to land is regarded by Lord Hardinge, Lord Crewe and Mr. Harcourt as disregarding the understanding. Lord Hardinge has urged in particular the hardship of the Canadian Government's refusing in other cases admission to the wives and families of British Indians already domiciled in the Dominion. That question has been referred to the Law Officers of the Crown, who advise that the Canadian immigration law, as well as the executive action of the Canadian Government, is a violation of the universal British rule that a wife follows the domicile of her husband.

"Glasgow Herald"

It would be regrettable if such an intricate problem were now to be thrust upon the attention of Imperial statesmen when the prospect has arisen of a pacific solution of one branch of the colour question in South Africa. But, sooner or later, it is obvious, the rival claims of British citizens—European and Asiatic—will have to be adjusted, or we shall have to confess our impotence to make a permanent settlement. The people of India who are excluded from British soil, or when they land on it are subjected to irksome restrictions, have a real grievance. They are British citizens, as was urged at the meeting of delegates from the Indian National Congress which was held in London the other day, and their rights and privileges are not to be lightly dismissed. But when their legal status conflicts with the resolute determination of the white race to maintain a dominant position, how is a quarrel to be composed which involves instinctive antipathies and such a clash of civilisations as neither the axioms of our law nor the tolerant principles of our Imperial rule can reconcile? A good deal of the emigration from India means nothing more than the temporary absence of coolies, who after a longer or shorter return to their former homes. But there is a proportion that settles on the invaded soil whose native born children may go so far as to lose knowledge of their ancestral language and, while continuing to

form a separate community, may attain to commanding wealth and influence. That encroachment on the province of the white race is what is dreaded in countries where the land is peculiarly adapted for white settlement and may almost be said to have been designed by nature for the development of that progressive civilisation which the European carries with him wherever he goes. And that is the rock on which schemes of accommodation will founder, if they lay more stress on the legal principle of equality, which is perhaps peculiar to the British Imperial code, than on that factor of inequality—not a principle but one of the conditions dividing East from West—which the scale of living and social customs of Oriental people introduce as soon as they enter to dispute possession of the labour market and the means of subsistence. There is only one part of the newer world opened to colonisation since the Renaissance which has defiantly proclaimed the exclusion of the Asiatic. Remote and for a long time unenvied, the Commonwealth made the doctrine of a "White Australia" the cardinal feature of its policy, and has so far recognised the inevitable issues as to devote itself assiduously to the study of the problems of defence. With such an example before them, the temptation must be strong in other Dominions to establish legislative defences—and what more may be needed to enforce them—against the teeming millions of the East. Few graver problems could confront the Empire than that which would be involved in a struggle in which our sympathies would be with our kinsmen and our sense of justice largely with our fellow-subjects of a different race.

The Asiatic Question in Canada

London, June 22.—A Reuter telegram from Ottawa says that it is reported that a wealthy Calcutta woman is organising a further shipload of Indians to proceed to Canada.

The immigration officials believe that the only means of getting rid of the Indians brought by the *Komagata Maru* is force, but the position is too delicate to justify the attempt.

London, June 24.—A Reuter telegram from Victoria, British Columbia, says that a meeting, attended by 3,000 people, passed a resolution to the effect that Asiatics were detrimental to the Dominion, and urging that the Indians brought by the *Komagata Maru* be immediately deported. The resolution also declared in favour of the passing of stringent anti-Asiatic legislation.—Reuter.

London, June 26.—A Reuter telegram from Victoria (British Columbia) says that efforts to deport by other steamships the Indians brought by the *Komagata Maru* (who were prohibited from landing) have proved fruitless. The Canadian Pacific Company has refused an offer by the immigration officials to pay the passages of these Indians back to Calcutta.

London, June 26.—A Washington telegram states that correspondence relative to the rights of Japanese in California has been simultaneously published in the United States and Japan to-day. Replying on Wednesday last to the Japanese communication made ten months ago, the United States declares that the language treaty excludes Japanese from the right to hold agricultural land in California.—Reuter.

London, June 26.—The correspondence between Japan and the United States in regard to Japanese in California leaves that long-standing and burning question in a rather acute phase, but it is understood that the latest note from Mr. Bryan (United States Secretary of State) leaves an opening for further negotiations.—Reuter.

The Colour Bar and the Mines Regulations

In the course of his annual address as Chairman of the Rand Mines, Ltd., Mr. R. W. Schumacher said:—

This shortage of native labour brings me to a question which is of vital interest to the industry; that is the removal of the Colour bar. I am afraid the views I hold on this subject are divergent from those held by many people in this country. My opinion is that the law should not prevent the coloured labourer from holding any responsible industrial position for which he may become fit. The removal of the Colour Bar would, I am convinced, help in solving the recruiting difficulties with which we are still confronted notwithstanding the creation of the Native Recruiting Corporation. If a native knew that, on his arrival on these fields, he would be given an opportunity of gradually improving his position, and of earning higher wages, the day would soon come when the need for a recruiting organisation would no longer be deemed indispensable. On the other hand, I cannot believe that the advent of the coloured labourer will, ipso facto, oust the white workman, though the latter will have to show his superiority by the attainment of a better efficiency than is too often the case at present.

Alleged Flaw in the Relief Bill

The following correspondence regarding the domicile of ex-indentured Indians has passed between the Minister of the Interior and Mr. Gandhi:—

11th June, 1914.

Dear Mr. Gorges,—The enclosed speaks for itself. I do not understand the *Mercury* reading of the measure. But, as the principle involved is so great, I would value an assurance that the meaning given to the Bill by the *Mercury* is not the meaning Government attach to the Bill.

(Sd.) M. K. GANDHI.

Department of the Interior,
Capetown, 22nd June, 1914.

Dear Mr. Gandhi,—I was able to see the Minister this morning and discuss with him the question which apparently is now agitating a certain section of the Indian community in Durban, and which formed the subject of the telegram from Mr. Randeree to you (returned herewith).

General Smuts desires me to say that it is perfectly clear from the report of the Commission that it was never intended that, by the repeal of the provisions of the existing laws dealing with the £3 licence, the position of the ex-indentured immigrant would be prejudicially affected in some other way; and had there been the slightest doubt on the subject, he is sure that the Commission—consisting as it did of three eminent lawyers—would certainly have drawn attention to it.

The Minister himself is quite satisfied that the effect of the Bill as it now stands would not be to bring into evidence the position which the *Mercury* and *African Chronicle* would have us believe will be created.

(Sd.) E. M. GORGES.

Copy of telegram sent by Mr. Randeree to Mr. Gandhi on the 11th ultimo:—Natal Act 17, 1895, leaves three options to Indian immigrant either to return India or reindenturing or paying £3 licence. In present Relief Bill remain two options either accept reindenture or repatriation. Indentured Indian is altogether removed from Master and Servants Ordinance 2 of 1850. Various vital sections of previous Acts are repealed by present Bill and Immigration Regulation Act, but altogether overlooked above point. Under this circumstance, Minister, on his own volition and responsibility,

can declare 74000 indentured Indians who came after October, 1896, as prohibited immigrants. Above appears to-day's *Mercury*.

News in Brief

Referring to the late Sir David Hunter, the Parliamentary correspondent of the *Natal Mercury* says:—“It was curious that his last words in this House, where they were quoted from his evidence before the Indian Commission, not pronounced by himself, were words which struck the note of his life. In reply to the question whether the present was not an inopportune time to repeal the £3 tax, he replied: “It is never inopportune to do right.” This characteristic sentence from the lips of the absent member was heard by the House with cheers.

During the Committee stage of the Indians' Relief Bill in the House of Assembly there was a good deal of merriment (says the *Cape Times* reporter) over a speech delivered by Mr. Haggard denouncing with enormous emphasis the indentured labour system. Sir Thomas Smartt discovered a report signed by one C. H. Haggard in Natal not many years ago, in which the said C. H. Haggard, as a member of a Commission, declared that the indentured system could not be abandoned without grave injury to the industries of Natal. “When I became a Commissioner,” explained Mr. Haggard, “I did so on the understanding that I was to report according to the evidence and not according to my conviction.” This set the House in a roar, and Mr. Haggard branched off into a definition of an ancient Greek, “a man with a great lack of cranium and an abnormal development in the jaw,” which the hon. member considers an apt description of the Opposition Leader.

Mr. E. Herbert Stevens, in his book “White and Black,” enunciates a scheme for the education of the native, founded on Herbert Spencer—a scheme of compulsory education on moral, intellectual, hygienic, and industrial lines, by which the native is to be cumbered with all the impediments of civilisation, which will bring his wants and requirements into line with those of the white man. And when he is burdened with all the requirements of an educational curriculum, inspired by Herbert Spencer (says a *Transvaal Leader* reviewer), we will have found the means of neutralising his superior economic strength, and all our troubles will be at an end!

A “valued occasional correspondent” writes to the *Times of Natal*:—“A presentation of an interesting nature took place on the Banesdale tea estate, Itala, last week. Mr. W. A. Gilbert, the manager, was waited on by the entire staff of Indian employees, indentured and free, who, through their sirdar, requested his acceptance of a handsome gold watch as a token of their esteem and appreciation of his just and fair treatment during the past ten years. This pleasing incident, coming so soon after a strike that caused so much bitter feeling and not a little unjust criticism of the planters, is worthy of notice by Gokhale, Gandhi and Exeter Hall.”

“The letting and subletting of land under the Bengal system reaches appalling limits,” says the *Times of India*. “It is common to find land sublet to the tenth degree, and it is not out of the way, we believe, to find indentations in some parts fifteen and seventeen deep. The landlord who pays the assessment into the Government treasury is removed by all these stages from the wretch who cultivates the soil, and at every stage somebody takes his private quota.