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Indians in Natal

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INDIANS IN NATAL

RUSSEL'S
NATAL.P.
194

On 10th May, 1843 Natal was proclaimed a British Colony "for the peace, protection, and salutary control of all classes of men settled at and surrounding that important portion of South Africa."

Ibid.
P.195

The Lieutenant Governor was assisted in the government by an Executive Council of five. There was no Legislative Council, all laws for Natal being made by the Cape Government.

The Boers were discontented and left Natal in 1848.

Henderson:
History of
Durban, 19.

"The European population in Natal was too small and scattered"

Russel's
Natal, 205

"Various schemes for the introduction of British settlers were started. The best known of these was BYRNE'S IMMIGRATION SCHEME. Mr. J.C. Byrne, who visited the Colony some years before, arranged with the Government that, for £10, each adult immigrant should receive a free passage to Natal and from 20 to 50 acres of land on arrival. During the years 1848-49-50-51, 57 vessels with about 4,500 people arrived at Durban.... The new arrivals endured many discomforts and hardships. They had to live in tents and sheds and huts until they found means of proceeding to the land allotted to them. Many of those who did succeed in reaching their "farms" were greeted only with disappointment. The land had been divided without any regard to the character of the soil and the allotments were often only rocky hillsides, utterly unsuited for tillage. Numbers of the immigrants left for Australia in 1852 and 1853. Few remained."

In 1848 Legislative Council was granted to Natal.

Henderson's
History of
Durban. 14.

On November, 8, 1855, Sir George Grey, Governor of the Cape of Good Hope, visited Durban when a Welcome Address was presented to him setting forth, in a comprehensive manner, the existing conditions and requirements of the Colony.

Clause II of the Address reads as follows:

"Independently of measures for developing the labour of our own natives, we believe Your Excellency will find occasion to sanction the introduction of a limited number of coolies or other labourers from the East in aid of the new enterprises on the coast lands, to the success of which sufficient and reliable labour is absolutely essential; for the fact cannot be too strongly borne in mind that on the success or failure of these rising enterprises depends the advancement of the colony or its certain and rapid decline. Experimental cultivation has abundantly demonstrated that the issue depends on a constant supply of labour.

His Excellency agreed with the Durban Corporation - the representatives of the citizens of Durban - that the several industries of the coastlands - sugar, coffee, cotton, and arrowroot - demanded a constant supply of reliable labour and that the past alone could supply such labour. He agreed to the Natal Legislature passing an Ordinance in that respect.

Ord. No. 3
1856 (Natal)

In 1856 the Legislative Council of Natal passed an Ordinance - Ordinance No. 3, 1856 - empowering the Lieutenant Governor of Natal to make regulations for Coolies introduced into Natal from the East Indies.

Russell's
Natal 208.

On July 15, 1856 a Royal charter was issued constituting Natal a distinct Colony from the Cape, and creating a Legislative Council of 16 members - 12 elective and 4 non-elective. The new Legislative Council was opened on 24 March, 1857.

Law No 14.
1859

In 1859 the Natal Legislature, two-thirds of which consisted of the elected representatives of the electors enacted a law - Law No. 14, 1859 - providing for the introduction of Indians into Natal at the public expense and for the regulation and government of such immigrants. The Legislature voted the sum of £200,000. for the purpose of carrying out the scheme.

It is manifestly clear that the very first law in connection with the introduction of Indian Immigrants into Natal was passed, not by the Crown, nor by the nominated representatives of the Crown but by the elected representatives of the people. The electors had the sovereign right to who should and who should not be brought into this country, and through their representatives in the Legislative Council they decided to introduce Indians to develop the country. The small and scattered European population of Natal was faced with two difficulties, namely, on the one side they were faced with utter ruin and starvation for want of labour to build the industries of the country, and on the other hand they were threatened with extermination by the savage hordes surrounding Natal. Several attempts were made to get European settlers all without avail, But these sturdy Anglo-Saxon settlers had a brave heart. They sought assistance from India, for that was the only alternative, and India freely and willingly responded, responded to the cry of suffering humanity. They came, they worked, they saved Natal.

Law, No 15.
1859

Another Law - Law No 15, 1859 - was passed by the Natal Legislature to enable persons to introduce, at their own expense, Indian Immigrants from India.

these two enactments will go to show that the Colonists were in a parlous state.

Henderson's
History. 45.

In March, 1860. Mr. W. H. Collins was appointed by the Government to proceed to India for the purpose of selecting the labourers.

Justice
Wragg's Re-
port. 68

"The first batch of Indian Immigrants landed in Durban on November 17, 1860.

Law No. 15
1864

Law No. 15, 1864 "Law to raise a loan for the introduction of coolies into the Colony of Natal", enabled the Government to raise a loan not exceeding £100, 000. for the "purpose of defraying such advances and expenses as may be required by the Immigration fund for the purpose of introducing such Indian immigrants as from time to time may be applied for or required". Again the elected representatives did this.

Law No. 16
1864

In the same year another law -Law No 16, 1864- empowering the Lieut- Governor to pay Interest on any loan raised for the introduction of Indian Immigrants out of the Immigration fund; and to pay, out of the General Revenues of the Colony, one-third of the cost attendant on introduction of such immigrants, was passed by the Natal Legislature.

Law No. 17
1864

A third Law, a very significant law- Law No, 17 1864- was passed by the Natal Legislature. This law provided for the extension of the period of indenture from three to five years. This in it self is a clear indication of the fact that the Colonists did not relish the idea of relaxing the grip they had on the immigrant labourers

Law No. 18.
1864

The fourth enactment of the year -Law No. 18. 1864- regulated the payments made to the government by the employers of Indian immigrants,

Law No. 29
1865(Natal)

Law No. 29, 1865, "Law to declare and amend the Law No 14, 1859, entitled Law to provide for the Immigration of coolies into this Colony at the Public Expense, and for the Regulation and government of such Immigrants. I have not had the time to look up this Law. If my memory serves me right I think this Law stopped the introduction of Immigrants into Natal.

Fragg's Rept.

In 1866 Indian Immigration totally ceased. There were about 5,000 Indian Immigrants in Natal when it ceased.

Law 17, 1867

Law No.17, 1867. This law, inter alia, made provision to " more effectually secure Coolie wages".

Consolidation
Law No.2,1870

Consolidation Law No.2 of 1870. This is an important Law. It repealed all the earlier laws in this connection. A brief detailed reference is essential. It provided :

1. That the Lieutenant Governor may appoint the Coolie Agent, (Sec. 2).
2. That Indians may be introduced by private individuals at their own expense but subject to certain regulations issued by the Governor (Sec.6).
3. Indians before leaving India to be engaged to some particular employer, or to be bound to serve any employer to whom the Natal Coolie Agent may allot them on arrival.(Sec.7).
4. The Immigrant shall sign the contract in India(Sec. 8).
5. Monthly deduction of 4/- from the Indians' wages to be made by the employer, and paid over to Coolie Agent and by him to the Treasurer, such deduction representing the advance made to the Indian prior to his embarkation. (Sec.14).
6. The employer to provide medical care, attendance and medicine to the Indian Immigrant. (Sec,21).

7. "Every Coolie Immigrant shall be entitled to a free passage back to India who shall have resided ten years in the Colony, and during the said ten years shall have completed an industrial residence of five years. Provided always that no such free passage shall be granted unless applied for within three years of the term at which it shall become due" (Sec.46).
8. "When any Coolie immigrant shall be desirous to commute his right to a free passage, for the value in land to the amount of the cost of such passage, and the Lieutenant Governor shall see fit to grant to such immigrant out of the Crown lands of the Colony a piece or parcel of land equal in value, at the upset price of Crown lands, to the amount of the cost of such return passage, such immigrant shall have the same in lieu of his right to a free passage". (Sec.51).
9. Indian Immigrants shall not depart from the Country without the permission of the Coolie Agent. Penalty on Masters of vessels etc., assisting Indians to contravene this section is provided. The penalty is £20. in each case (Sec.52).
10. Indians may re-indenture themselves. Bonus to Indians re-indenturing themselves, (Secs,57,58)
11. Indentured Indians protected from arrest for debt. (Sec64).

Sec.54.Law 2.
1870

In terms of Section 54 of this Law several Indians have received parcels of land, in the majority of cases near Umzinto. in lieu of their right of free passage to India. The intention of this law, therefore, was that the Indians should become permanent settlers as free Indians.

The Indian immigration to Natal commenced in 1860 and finally ceased in 1866. It recommenced in 1874. In the interval Law No.2.1870 was passed offering inducements to Indians to come back. It is an admission of mistake on the part of the government, an admission that it had committed an egregious blunder in stopping indentured labour from the East.

Law No. 16, 1871

Law No. 16, 1871, "Law for the Consolidation of the Public Loans of Natal" provided a sum of £20,000 for the introduction of Indian Immigrants.

Law 12, 1872

Law No. 12, 1872 amended the Consolidation Law of 1870 in certain minor matters.

Law 19, 1874

Law No. 19, 1874 "Law to amend Laws No. 12, 1872 and No. 2, 1870". The 19th Section of this Law provides:

"Every Indian Immigrant for whom, in accordance with his application, a return passage shall have been provided, and who shall fail to go on board and avail himself thereof after receiving due notice so to do, shall thereupon forfeit all further claim to such return passage; and every immigrant who during the period of his industrial residence shall have left the Colony without the permission of the protector of Immigrants shall forfeit his claim to a return passage to India."

It is evident that the Government did not relish the idea of Indians leaving for India after their term of Industrial service.

JUSTICE
Wragg's Rept
E page 68.

In 1874 Indian Immigration recommenced, 3708 immigrants arriving on June, 26th; at the date of such recommencement there were no Indians in Natal save those whose periods of indentured service had expired.

During the suspension of immigration from India, 1866 to 1874, Natal suffered considerably. The several industries began to wane, and the hitherto prosperous Natal began to feel the hard times. Natal again appealed to India for succour. India responded and saved Natal. Indian labour reclaimed the marshy lands, tended the dying industries, rekindled the dying embers of finance, and by their industry saved Natal and its inhabitants from financial chaos, from starvation, from ruin.

Every possible inducement was made to retain the Indians in this country.

Law 20, 1874

Law No. 20, 1874 created the Indian Immigration Trust Board of Natal. The receipt, disbursement, and administration of all moneys for purposes of Indian Immigration were entrusted to the Trust Board.

Law 25, 1875

Law 25, 1875, "Law to amend the Volunteer Law 1872 and 1873".

1. Section 1 increased the Volunteer Force of the Colony to 2,700 men, of which the proportion of Indian Immigrant Volunteer Infantry shall be 1,300.
2. Sections 3 and 4 provided for the constitution maximum limit and division of the force.
3. Section 5. "Any planter who can raise a corps of Indian Immigrants. . shall be, on the approval of the Lieutenant Governor, appointed Captain of the same, and shall appoint his subaltern officers.
4. Arms, accoutrements, and other necessary articles of equipment were supplied to the Indians, also uniforms. (Secs 8 and 9).
5. Sections 12 and 13 provided for the compensation for injury and pensions and gratuities to widows and children.

In pursuance of this law Indian Volunteers were drilled in Durban. During the Zulu War of 1879, an Indian corps guarded Durban whilst every able bodied European was at front. Hundreds of Indians were employed as Transport drivers, as cooks, and as servants to the officers at the front. Many also took part in the battle of Ulundi, as actual combatants, when the power of the Zulu King was broken once for a day. Hundreds of Indians lost their lives in the several skirmishes and battles of the time.

Law 19, 1876

Law 19, 1876 provided for the raising of £50,000, by the Indian Immigration Trust Board on the security of the General Revenue of the Colony.

Law 19, 1876

Law No. 19, 1876 empowered the Trust Board to raise a further Loan of £50,000, in furtherance of the scheme.

Law 20, 1878

The next important law on the Statute Book of Natal is Law No. 20, 1878. This Law provides for the education of the children of the Indian Immigrants in Natal

1. Sec. 1 provides for the constitution of the Board of Education for Indian children called "Indian Immigrant School Board".
2. Sec. 4 reads as follows: "It shall be lawful for the board, subject to the provisions of this Law, to take such measures as it may deem expedient for promoting the education of the children of Indian parents in the Colony, by means of schools established under the provisions of the Education Laws of 1877, or by means of schools established for the special instruction of such children".
3. Board may assist primary schools. (Sec. 5)
4. Children whose parents were unable to pay school fees were, by permission of the Board, after proper enquiry, admitted free of charge (Proviso to Sec. 6)
5. "The Board shall determine as to the course of education to be given in the schools established and maintained under this Law, and as to the text books to be used, and shall frame Rules and Regulations for the above purposes and for the Government and discipline of the schools, and for the appointment and payment of teachers and for the holding of inspection and examinations, and for the awarding of prizes for the encouragement of children, and in respect of all matters coming within the intent of this Law"

Suddenly a reaction took place. The Colonists thinking apparently as they did in 1866, that they were well established and could afford to dictate terms to the Indian government clamoured for the alteration of the Immigration Laws,

Wragg's Commission

Wragg's Commission Observed thus:

"Our enquiries have satisfied us that there is in this Colony an undoubted preponderance of opinion that the Indian Immigrant should remain under indenture during the whole period of his residence within the Colony.

The majority of white colonists are strongly opposed to the presence of the free Indian, as a rival and competitor, either in agricultural or commercial pursuits.

Colonists who have formed opinions concerning Indian Immigration and its effects upon this Colony may be classified under four divisions.

"Some angrily demanded that the introduction of Indian Immigrants shall forthwith cease and that the Kaffirs, resident in the Colony, shall be compelled to work.

"Others are content that immigration should continue but they insist that Immigrants shall be sent back to India at the end of five years' indentured service, unless they be willing to re-indenture for the further period of their residence in the Colony.

"Others do not object to the present system, if the status of the free Indian be reduced to a lower level. They would subject him to a kind of capitis diminutio, by depriving him of a portion of the capacity of exercising all the rights at present attached to the status of a free Indian. Thus, they would not permit him to move about except under a system of registration and police supervision, they would compel him to be photographed and to produce his photograph on demand of the police, they would confine him, whether as a trader or simple householder, to certain specified portions of towns and would compel him, when engaged in trade, to keep his accounts in the English language,

Fourthly, there are those who, while willing to permit the introduction of Indian Immigrants, consider that the time has now arrived when such introduction should cease to be aided by the public purse. They strongly urge that Colonists, who may desire to secure the services of Indian labourers, should obtain such men by private contract and at their own charges".

"We are impressed" said the Commission, "We are impressed with the necessity, at a time when the Colony is labouring under a depression of the most serious nature, of so moving that its agricultural development shall not be restrained. We are anxious not to imperil the interests of those persons who have been induced, by an abundant and continuous supply of Indian labour, to invest their Capital in large industries of undoubted benefit to the whole Colony.

II.

Nevertheless, we think that the time has arrived when the Revenue contribution in aid of Indian Immigration should be withheld."

"We Recommend" said the Commission.

"That the revenue contribution in aid of further immigration from India shall cease, that the grant from the general revenue shall not be used to save as may be necessary to meet liabilities already incurred by the Indian Immigration Trust Board, this discontinuance of the grant will throw upon the Board the burden of devising other arrangements which may be found necessary to meet any money deficiency arising from the change.

"That the period in which an Indian may claim his return free passage after the expiration of 10 years colonial residence, be shortened from 3 to 1 years".

On 15 July, 1885 the Pietermaritzburg Chamber of Commerce presented to the Legislative Council a petition praying,

1. That every Asiatic be registered and pay an annual fee.
2. An Asiatic shall pay a house tax for each house or dwelling place.
3. That Asiatic shall be segregated and not allowed to either live or trade except in locations.
4. That he shall not be allowed to trade in intoxicating liquor.
5. That peddling or hawking, for the benefit of the Europeans, be permitted only on payment of £10. per annum.

This petition illustrated the bitter feeling existing against the Asiatic traders. Now what prompted this bitter feeling against the traders? Let us see what the

Commission says:

"They are men, who unshackled by indenture and without costing this Colony one penny, have found their way to Natal from various parts of British India and from the Mauritius. They are British subjects, free to travel to any part of Her Majesty's dominions with those who have chosen Natal as the field of their commercial pursuits.

"We are convinced that much of the irritation
 "existing in the minds of European colonists
 "against the whole Indian population of the
 "Colony, has been excited by the undoubted
 "ability of these traders to compete with
 "European merchants, and especially with those
 "those who have chiefly directed their attention
 "to the supply of articles, notably rice,
 "largely consumed by the Indian Immigration
 "population.

"We are content to place on record our strong
 "opinion, based on much observation, that the
 "presence of these traders has been beneficial
 "to the whole Colony, and it would be unwise,
 "if not unjust, to legislate to their
 "prejudice".

The irritation against the Indians in 1885 was caused by the undoubted ability of the Indian traders. It was not a question of difference in civilisation, not a question of insanitary mode of living, not a question of economics. It was purely and simply a question of trade- trade jealousy. Today the question, shorn of all verbiage, is precisely the same. In 1885 it was the British element in Natal that asked the Government to subject the Indian to a kind of capitis diminutio. Again it was the British element in Pretoria, in 1885, petitioned the Dutch Volksraad to a state of helotry. the position is precisely the same to-day. The Britishers and the international Jews are merely using the Dutchman as a tool.

Says the Wragg Commission:

"We now pass from indentured to free Indians.

"Free Indians thrive in Natal. Their wants are comparatively few, and their industrious habits cause them to prosper in nearly every occupation in which they engage.

"They show commendable industry.

"They show remarkably well as cultivators, in the coast districts, of small parcels of land rented on short leases.

"In fairness to the free Indians we must observe that the competition is legitimate in its nature and that it, certainly, has been welcomed by the general community. From an early hour in the morning Indian hawkers, male and female, adults and children, go busily with heavy baskets on their heads from house to house, and thus citizens can now daily, at their own doors, and at low rates, purchase wholesome fruit and vegetables which not many years ago, they could not with certainty, procure even in the public markets and at exorbitant prices."

"Indian coolies work the sugar and tea estates of the coast, Indians develop the coal mines; Indians perform an increasing share of work on the farms; for the farmers who at first viewed them with distrust are now as anxious to retain them as the planters. Since the advent of the coolie labour the white population has more than doubled, the value of land has increased, the cost of living has gone down. It is the Indian coolie who gives Natal the cheap fruit and vegetables which are the envy of the Transvaal, who has brought under high cultivation large tracts which, but for his presence, would to-day be barren.

same, 18

"The British Indian has enabled Natal to prosper."

Report Pro-
 cector Ind -
 an Immts.
 Natal, 1904

Natal agents "search every nook and corner" of Madras for immigrants willing to come to the plantations, and are forced to accept men who "do not compare favourably with the class of Indian recruited in years past".

same, 19

The value of cheap Asiatic labour is undeniable. by its aid colonies which seemed to be on the verge of ruin have prospered; new industries have been built up; invariably had it led to a more highly developed cultivation, to cheaper production, and to increased comfort for the white population.

Keane 32.

"But the Asiatic has another fault - from the white man's standpoint. He is ambitious. The plantation coolie may die a coolie. His son may become a land owner, or a small trader or storekeeper, even a merchant on a considerable scale. In Natal Indian competition is not confined to agriculture. The loudest complaints come from the trading class".

Law 25, 1891.

Law No. 25, 1891. "To amend and consolidate the Laws relating to the introduction of Indian immigrants into the Colony of Natal, and to the regulation and government of such Indian Immigrants" is the next step in the development of laws referring to Indian Immigrants, and in some respects it is an important law.

1. It provides for the arrest of immigrant found beyond one mile from employers residence without leave; for his return to his employer by a court messenger, and if the complaint is, in the opinion of the Magistrate or Protector, frivolous, the deduction of costs from the Indian's wages, Sec. 30.
2. Penalty for unlawful absence from work. Punishment for absence without leave from roll call, neglect of work, or disobedience. The Master is the Judge, in the first instance, as to whether an Indian is guilty of any of the said offences. Sec. 35.
3. When large numbers of Indians absent themselves from work in order to make complaint each and every one is liable to be punished by fine not exceeding £2. each or by imprisonment for a any period not exceeding two months, with or without hard labour, whether such complaint shall or shall not be adjudged to be groundless or frivolous, and notwithstanding such complaint may be successful. Sec. 101.
4. Secs. 61 to 89 provide for registration or marriages, births, and deaths; for Indian Immigrant marriages, births and divorces, the age of the contracting parties, prohibited degrees of marriage; for divorces, marriage of divorced immigrants, nullity of marriage; and for adultery, seduction and abduction.
5. sec. 90 provides that it shall not be lawful for an Indian Immigrant to depart from the Colony without a licence from the Protector of Immigrants

3. Licence not to be granted unless the Immigrant has completed a residence of ten years in Natal, five of which under industrial service (Sec.91)
7. On an Immigrant voluntarily abandoning his claim to a free passage to India a license will be granted (Sec.92)
8. ANY person who aids or abets an Immigrant to leave the Colony without the special permission of the protector is liable to heavy punishment .
9. Sec.110. An Immigrant who has completed 10 years residence is entitled to a free passage to India provided it is applied for within 12 months from the time from which it shall become due.
10. Sec. 114 provides that if the Immigrant for whom a return passage has been provided fails to go on board shall forfeit all further claim to such return passage.

Whilst Law 25 of 1891 is practically a progressive development of the laws relating to Indian Immigrants, in one respect it is retrogressive, for it takes away the right to a parcel of land in lieu of return passage to India, provided for in Section 51 Consolidated Law No 2 1870.

Education
Act, 1894

Act No. 5, 1894, known as the Education Act, 1894. Section II of this Act provides as follows:-

"The Indian Schools created and maintained under the repealed Law No. 20 of 1878, shall be deemed to be Schools created and maintained under the 'Education Acts'."

This does not mean that Indian education in Natal was placed on a par with the education of the European children. Far from it. Whilst in the eyes of the law there was no distinction based on colour, race or creed, administratively the Indian schools and the Indian children within the Colony were treated cavalierly.

Act, 25, 1894

Act No. 25, 1894, "To amend the Law relating to franchise Section I. reads as follows:-

"Save as in Section 2 of this Act expected persons
 "of Asiatic extraction shall not be qualified to
 "have their names inserted in any list of electors
 "or in any Voters' roll, or to vote as electors
 "within the meaning of Section 22 of the constitu-
 "tion Act of 1893 or any law relating to the e-
 "lection of members of the Legislative Assembly".

The Natal Indians protested against this enactment and Her Majesty's Government disallowed same. This is the first law wherein a distinction based upon colour, race or creed has been made to the detriment of the free Indians. This is a distinction *eo nomine*. This is the precursor of differential laws disfiguring the Statute Book of Natal.

Act 37, 1894

Act No. 27, 1894, "To amend the Indian Immigration Trust Board Law, 1874." This Act gave effect to the recommendation of Fragg's Commission that the general Revenue of the Colony should not be made to contribute to the cost of the introduction of Indian Immigrants. From this day forward the introduction of Immigrants did not cost the Natal Exchequer a single penny.

Act No. 17
925

This is an important Act. This Act not only retarded the progressive development of the laws relating to Indian Indian Immigrants from India but actually reversed the motion. It provided that an Indian Immigrant after his term of industrial service - a state perilously near slavery - he should either,

- a. Go back to India; or
- b. Remain in Natal under indentures; or
- c. Take out year by year a pass or licence to remain in Natal. This tax to cost £3 a year.

A brief reference to the vagaries of this Act may not be out of place.

Hundreds of men and women were sent to goal for non-payment of this tax. Whilst in goal the women's hair was cut off. Many women, in order to escape the rigours of prison life descended to the lowest of extremities - immorality. In some cases Indian women were stripped of their jewellery to meet the arrears. In goal these unfortunate HEBREANS - men and women- were herded among criminals and cut-throats.

When these unfortunate INDIANS found they were unable to meet the exactions of the Government and decided to leave the country, the Protector of Indian Immigrants, acting on the advice of the Government, refused to permit them to leave the country until the arrears were paid off. These Indians had two alternatives, viz: either to pay the money or to commit suicide.

Miss H.L. Paul

When the people were in such dire state the local representatives of the contractors for the construction of Benguela Railway gave these Indians an opportunity to engage themselves as labourers under a contract for two years. The Natal Government whilst willing to allow these Indians to leave Natal demanded the payment of the arrears as a condition precedent to such consent. The Indians were unable to pay the arrears. When the Indians found they could not get permission from the Government to go thousands of them paraded the streets of Durban and made a public demonstration in order to enlist the public sympathy. The local papers took up the cudgel on behalf of these people. One of the papers observed that "They (Indians) were in destitution and deepest poverty.. They were starving and going to ruins with their wives and families. . . they marched through the town like loafers and their condition was impossible and deplorable".

At last the Government agreed to allow these Indians to proceed to Lobita Bay provided the employers, the Contractors, agreed to pay the arrears on behalf of the men and women. The contractors, with the consent of the Indians, agreed to pay this iniquitous tax. The contractors of course deducted this amount from the wages of the Indians. 2000 men left for Lobita Bay on 1st April, 1907. They went to better their position. Hundreds died soon after arrival at Lobita Bay. 658 returned to Natal. What a death roll! Some of these who returned were not permitted to land. They were shipped back to India. Enough has been said.

Solomon Commission, 1914

This Commission recommended the abolition of the £3. tax. The tax was repealed (Vide Indians' Relief Act, 1914). Only the tax was repealed, the other two alternatives are still in force.

Act 34, 1895

"To amend the Indian Immigration Trust Board Law, 1874". This Act provided for the appointment of members of the Indian Immigration Trust Board by the registered employers of Indian immigrants. The regulation and Government of Indian immigrants into Natal passed from the hands of the Government into that of the representatives of the employers.

Act 8, 1895

"To amend the Law relating to the Franchise". Whilst the disallowed Act of 1894 disfranchised Indians so ~~as~~, this Act of 1894 in a round about manner effected the same purpose. Section 3 of this Act reads as follows:

"Save those who come under the operation of Section 3 of this Act, no persons shall be qualified to have their names inserted in any List of Electors, or in any Voters' Roll, or to vote as electors within the meaning of sec. 22 of the Constitution Act of 1893, or any Law relating to the election of members of the Legislative Assembly, who (not being of European origin) are Natives or descendants in the Male line of Natives of countries which have not

"Not hitherto possessed elective representative institutions founded on the Parliamentary franchise, unless they shall first obtain an order from the Governor in Council exempting them from the operation of this Act"

The leaders of the opposition condemned this measure in no uncertain terms. The leader of the Opposition in Parliament, Sir Henry Binns, who subsequently became Prime Minister condemned this measure. His chief lieutenant, Mr (afterwards Sir) Henry Dale (subsequently Chief Justice of Natal) also opposed the Bill. Thoughtful European Colonists condemned it as "awful of race among our own subjects". It was carried in the house by a snatch vote.

The "Natal Advertiser" called it an ambush of disputes. "The Natal Witness" said it attacked a great constitutional principle. It also said "When a great constitutional principle is once broken, however, slightly it may be, there is the imminent risk of the breach being widened by a government greedy of power". "The Natal Mercury" said "We are inclined to the belief that the danger of the Indian vote swamping the European is a chimerical one".

The Act received Her Majesty's sanction and became one of the bulwarks of the anti-Asiatics of the country.

Act I, 1897

Act No. I, 1897, "To place certain restrictions on Immigration"; This Act precluded Indians who have had no domicile in this country coming into Natal. This Act automatically closed the door against passenger Indians. In future no Indians, free and unshackled by Immigration laws, could enter Natal. If an Indian in India or elsewhere desired to come to Natal he could only do so under and in terms of Act No. 17, 1895.

Act 14, 1897

Act No. 14, 1897. "To amend the "Indian Immigration Amendment Act, 1895". Act No. 17, 1895 repealed the provisions in Law No. 25, 1891, giving the right to an Indian Immigrant who had completed a residence of 10 years in Natal, five of which under Industrial service, to claim free passage to India. This Act, however re-enacts the said provisions.

Act No. 18
1897

Act No. 18, 1897, "To amend the law relating to Licences to Wholesale and Retail Dealers." this is an Extraordinary piece of political chicanery.

Natal Witness

"Experience has shown the justness of the prophetic words of Sir Henry Binns. The administration of the Act was, in its initial stage, marked by an excess of zeal in restricting British Indian Trade. The Licensing Officer at NewGastle (Natal) refused to renew all Indian Licences that is, nine in number. It was after very great expense and trouble that six of them were renewed. As a result, and owing to the pressure from the Colonial Office, the Government issued a warning to the licencing authorities that, unless they administered the Act with prudence and moderation, and respected existing licences, the Government might be obliged to amend the law, and restore the jurisdiction of the Supreme Court."

Sir Henry Binns
leader of Opposi-
tion.

When the licencing question was before Parliament Sir Henry Binns strongly protested against it, saying that it was a dangerous principle.

Leans. 35, 36.

"This measure was carried on the suggestion of Mr Harry Escombe. Outwardly it carefully avoids class legislation, for ~~ham~~ in theory it applies equally to Europeans and Asiatics. But in practice it operates against the Indian storekeepers. No white man is refused a licence; Asiatics often suffer what they regard as injustice.

There is no appeal from the decision of the Licencing Officer, and they can only protest and submit. In Durban The Act has been admittedly utilised in order to prevent Indian Merchants opening shops in the principal streets. The Licencing Officer is the servant of a body of white store keepers. He knows their views, and, whatever his personal opinion may be, he can hardly be expected to sacrifice his appointment by opposing those who employ him. As a protective measure to the white trader the Act is valuable. From the standpoint of expediency the system may find supporters, In reality it is simply class legislation.

How it operated may be gathered from the following cases:-

- a. Section 5 ousts the jurisdiction of the Supreme Court on appeal unless there has been some irregularity warranting interference.

Vanda vs Newcastle Corporation 20 N.L.R. 1;
 Hoondamal vs Durban Licencing Board, 26 N.L.R.;
 Mahomed & Co. V. Lower Umsinkulu Lic. Bd. 28 N.L.R.;
 Anoor V. Ladysmith Lic. Bd. 28 N.L.R. 304.

- b. Hoondamal, who has been trading in the Colony for some time, had a business in Grey street. This business had two doors, one facing Grey Street, in respect of which the licence had been granted, and another door facing West Street. When he opened the West street door he was charged with trading in West street without a licence and convicted. On appeal to the Supreme court it was held that the Court had no jurisdiction. "He did not come into competition with any European. His shop was kept in a scrupulously clean condition."

- c. "Mr Dada Osman had been in trade in Vryheid for several years before the war. The place he was trading in was considered a location or a bazaar during the Boer regime. After Vryheid was annexed to Natal, the Licencing Board refused to renew his licence, unless he would go to another location far away from town, where it was impossible for him to do any business at all. Mr Osman's business in Vryheid had therefore proved a very serious loss to him. In this case as also in the previous case many certificates from Europeans of good standing were produced to show the respectability of the applicants. It should be remembered that Osman's was the only store in Vryheid. To add to the misery of the position, the anti-asiatic laws of the Transvaal have been taken over bodily for this district of Natal. A British Indian, therefore, staying in Vryheid, not only has to undergo the disabilities that the Natal laws impose on him, but has added to them the disabilities that the Transvaal Laws have created for him." - Natal Witness
- d. Transfer from one premises to another is always refused. There is no appeal to the Court
- e. Transfer from one person to another is invariably refused. There is no appeal to the Court.
- f. The Heirs, Executors and/or Administrators of a deceased Indian are not permitted to continue the business.
- g. Under no circumstances licences are granted to Indians in Areas considered by the Licencing Officer to be European.

- n. In Pietermaritzburg, the capital of Natal, the Licensing Officer until recently, required every applicant for either a new or renewal licence to give his thumb impression as well as his signature on the application form.

H.B.Emik v Licensing Officer (P.H.Burg) 1915
N.L.R. (See "Natal Witness" Law
Report. Oct. 27, 1915)

- i. Recently an Indian Merchant of many years standing was refused a renewal licence in estcourt because he had failed to pay the employers of the Licensing Officer, the municipality of estcourt, the water rates for that year. On appeal to the Court, the Court expressed the opinion that it had no jurisdiction.
- j. Pedlars licences are refused invariably.
- k. An Indian storekeeper, P.N. Chetty, was refused a renewal of his licence because at the time of application for renewal he was in India, although he was represented in Natal by his manager.
- l. The Pietermaritzburg Licensing Officer asks the Merchant to produce their books of account at the time of renewal. If he is not satisfied with the method of book-keeping the licence is refused.
- m. Licences are refused to Indians who have compromised with their creditors.
- n. A farmer who sells his farm produce is required to take out a licence.
- Enough said.

Act 28, 1898

Act No. 28, 1897, "To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants". This Act protected Passenger Indians

It is now sought to repeal this Act. (See Areas Reservation Bill now before Parliament)

Second Deputation to India.

As the object aimed at by the Act of 1895 of compelling the time expired immigrants to leave for India was not attained a second deputation left for India to interview the Government of India. The deputation suggested that in future the indentures should be made to terminate in India.

Solomon Commission, 1914 P.25.

The Government of India was prepared on certain conditions to agree that it should be a term of the indenture that

"after the expiration of the contract the immigrant should either return to India or remain in Natal under indentures to be from time to time entered into, provided that each term of indentured service shall not be for more than two years, and provided further that after ten years of indentured service the immigrant must, if so required, return to India at the expense of the Trust Board. Should he be permitted to indenture for a further period or to remain in the Colony without indenture for more further period than three years months after the expiry of his last indenture, he shall be entitled to settle in the colony free from all liability tax any special tax or to further indenture...."

Act 3 1903

Act No. 3, 1903, "To amend the Indian Immigration Amendment Act 1895". This Bill was assented to and came into force on March, 3, 1903. This Act provided that the children of Indian Immigrants, who came under the provisions of Section 2 of Act 17, 1895, on attaining the age of majority, which is 15 in the case of boys and 13 in the case of girls were, with certain exceptions, compelled either :-

- a. To go to India; or
- b. To remain in Natal under indentures; or
- c. To take out year by year in terms of Act 17, 1895 a pass or licence to remain in Natal, for which a payment of £3. was required yearly.

Solomon Commission 1914

"This, certainly, was very drastic legislation. In the case of the indentured labourer himself, there is much force in the contention that he expressly agreed to pay the tax before he was allowed to settle in the country, and that he is bound by his agreement; but this argument cannot be heard in regard to their children. The Act, however, was acquiesced in by the Government of India, which, having accepted the legislation of 1895, apparently considered that it could not very well object to the extension of the principle."

Solomon Commission 1914 P. 26.

"Legislation, however, on this subject did not stop here. It was found that, in spite of this heavy tax upon residence, large numbers of the indentured labourers at the expiration of their indentures, instead of returning to India in order to escape the annual payments, preferred to remain in the country."

Act 39, 1905

"This Act prohibited employers under certain penalties from employing any Indian Immigrant, who was liable to take out a licence to remain in the Colony, unless such Indian shall first produce to him such pass or licence, nor shall he retain such Indian as an employee in any year thereafter unless such pass or licence shall have been taken out before the 15th July in each year."

What a cruel Law. It will not allow a man to work and pay. He must pay first and then work. If he does not do this he is to be starved out and sent to goal. I need not comment on this most iniquitous piece of iniquitous legislation.

Act 2, 1907

Act No. 2, 1907, "To make certain provisions relative to marriages of Indians (Immigrants)," This Act Provides for the registration of marriages under penalty. The parties are obliged to report their marriage within a month,

Haggar's Bill
Natal Par-
ament.

Dr. Haggar, one of South Africa's most rabid anti-Asiatics of the day, introduced into the Natal Parliament a Bill to discontinue Indian Immigration into Natal. This Bill was thrown out. This is what the "Natal Mercury" says in its leader of 19 July 1907, says:-

"Much as we regret it, we cannot get away from the fact, that the most important industries of the Colony are absolutely dependent on Indian imported labour and any sudden stoppage would cause an economic earthquake, would engulf much hard earned capital of the Colony, paralyse a number of industries and ruin a considerable number of Europeans whose livelihood depends on the industry in question."

Indian Immigra-
tion Com-
mission, 1908

In 1908 a Commission was appointed, with Dr Haggar as one of its members, to enquire into and report upon the Indian Immigration Problem. The Commission held its sittings in camera. And what was the report of this Enquiry Commission? And what had Dr, Haggar, an exponent of "White Natal" had to say? This is what the Commission said:-

"That the abolition of Indian Immigration would cause industries to decline" Dr. Haggar who one year previously, on the every platform shouted abuse against Indians, endorsed this statement unreservedly. Well, the Commission further remarked:

"That absolute and conclusive evidence has been put before the Commission that several industries owe their existence and present condition entirely to indentured Indian labour, and that if the importation of such labour were abolished, under present conditions, these industries would decline and in some cases, be abandoned entirely."

Replacing the Indians by Natives would possibly raise up the wages to prohibitive figure". Dr. Haggart is a party to the retention of cheap Indian labour.

"That the expansion of industries made possible by the presence of Indians has provided the native with further openings."

The existence of these industries has been, is still and in the future will be increasingly beneficial to a very large number of people in the Colony and to the Colony as a whole, and that their extinction or restriction by whatever cause brought about would be serious and irreparable to the individual and general interests". What a remarkable transformation. As a irresponsible member of the opposition Dr. Haggart made the greatest noise in and out of Parliament against the Indians. He indignantly demanded not the exclusion of Indians but their entire extermination. But as a responsible member of the Commission, and after hearing the evidence for and against he changes his view boldly, and has the rare courage to stand by his convictions.

However let us proceed.

A far greater number of Europeans with their families dependent on them are obtaining a livelihood, directly and indirectly owing to the employment of Indians than would have otherwise been the case, and were any action taken to interfere with the labour supply, great hardships would be caused to them, and in many cases they would be deprived of the means of earning a living."

Further on the Commission proceeds to say :-

"Further, the employment of indentured labour has provided opportunities for whites which would not otherwise have existed".

"A supply of indentured Indian labour is absolutely essential for the industries".

"The Indians are industrious, frugal, law-abiding and on the whole sober in their habits and it has not been proved that their presence has an injurious effect on the morals of the whites or natives."

"Having after very careful consideration come to the conclusion embodied in this report, your Commission cannot in the interests of the colony recommend that the importation of indentured Indian labour be discontinued".

This Commission has absolutely vindicated the presence of the Indians in this country. It unreservedly confesses that the several industries of the country were saved by the Indians, and what is their reward? The fact Government wants to drive us out of the country.

Miss H.L. Paul

In the course of an interesting article on the Indian question Miss Paul thus observes:

"In the military despatches of the Anglo-Boer War, it is recorded that the signal bravery of Parbhoo Singh, who was driven away from the Boer lines because he refused to work for them, was instrumental in saving the lives of white men at the famous siege of Ladysmith.

Though only a despised indentured Indian his deep devotion and loyalty to his Emperor were such that when the British troops were locked up at Ladysmith and the famous Long Tom fired by the Boers, with telling effect, Parbhoo Singh, of his own free will, pluckily volunteered to put himself in a position of danger so as to save the Colonists and the British Troops, as much as he possibly could.

"He made himself famous by then never failing assiduity with which he watched the big gun on the Bulwana Hill and gave timely notice of its action. His well-known figure waving a flag on the top of a high stack and warning every one of the coming danger will be remembered by all those who took part in the siege and who were thus enabled to take cover from the shells which he himself scorned to do. In this way he no doubt saved many lives.

"After the relief of Ladysmith a public meeting which evoked no little interest in Natal, was held on 30th October, 1900, at the Council Chamber, Durban, for the purpose of doing honour to this indentured Indian".

"Col-Commandant Morris, who was requested to make the presentation sent by Her Excellency Lady Curzon, wife of the Viceroy of India, said he felt highly honoured that he should have been asked to present a token of Her Excellency's pleasure to Parbhoo Singh, which was likewise a token of pleasure of Her Majesty the Empress of India, towards this subject of Her Indian Dominion. He did not think there could be a braver act for a man to do than what has been done by this Indian, and what is the reward? The Areas Reservation Bill, the Minimum Wages Act, The Mines Act and a host of other equally objectionable Acts and Ordinances. The Indians who reclaimed the marshy lands; the Indians who nursed and saved the several industries of this country; the Indians who made this land habitable for men of the type of Cox, Kemp and Bailey to live and thrive upon the labours of others, are to-day considered to be worthless.

A

Natal Parliament, 1908

In 1908 the Natal Parliament passed two Acts with indecent haste, One to forthwith stop Indian Immigration into Natal and the other to prevent renewal Indian Licences after 10 years. Fortunately for the good name of Indians, or shall I say fortunately for the good name of the British Crown, these measures were disallowed.

Natal Municipal Corporations Bill, 1905

In 1905, the Natal Municipal Association, submitted to the Natal Parliament a Bill, entitled, "Natal Municipal Corporations Bill, 1905". Section 22 (c) of this Bill provided that:

"Any person disqualified for the Parliamentary Franchise by Act No. 8 of 1896, or any other Act" shall not be qualified to be enrolled as a burgess and therefore to vote at municipal elections.

Now it is a patent fact that Act No. 8 of 1896 has placed the badge of inferiority upon Indians, in that it has, in a circumbendibus manner, disfranchised Indians. Section 22 (c) of the Bill was, therefore, aimed at the Indians.

In September, 1907, the secretary to the Natal Municipal Association received a communication from the Prime Minister of Natal to the effect,

"That the Secretary of State for India regrets that no concession is being made as regards Section 22 (c), which as it stands, will debar from municipal franchise all Indian ratepayers at present enrolled. The secretary of State for India also points out that at present Indian traders can be deprived of their licences on insufficient grounds and have no local remedy, and he considers that the Dealers Licences Act should be amended so as to allow the right of appeal to the Supreme Court by persons whose licences are withdrawn by licencing boards, and failing such amendments, regards it as essential that the Indian ratepayer should remain in possession of the Municipal Franchise".

A 31.

The Natal Municipal Association insisted upon the retention of the disfranchising clause.

The Natal Government declined to accommodate the Municipal Association with the result the matter was allowed to stand over for the time being.

The despatch from the Secretary of State for India clearly shows that the Indian Government was prepared to sacrifice the Municipal franchise exercised by the Indians in exchange for a dubious right of appeal to the Supreme Court in connection with licences.

Act 22, 1909

Let me confess that the Natal Government, for once at least, honourably fulfilled its pledged word for it passed Act No. 22 of 1909. Section 2 of this Act provided:

"It shall be competent for the applicant for the renewal of a licence, or for a person who has duly lodged an objection to such renewal, to appeal to the Supreme Court or to a Circuit Court against any decision given under Section 6 of Act No. 18, 1897, by a Town Council, Town Board, or Licensing Board, and the Court may order that the renewal applied for be granted or that it may be not granted, or may in any case remit the application for re-hearing."

The tendency of the court of late has been to restrict the scope of appeal.

Stoppage of Immigration

In 1911 the Indian Government stopped Indian Immigration into Natal.

General Smuts at Imperial Conference 1917

Hitherto the Anti-Asiatics maintained that the Indian Immigration was the root of all evil, and that with the elimination of immigration the evil, will, of itself, disappear. At the Imperial Conference of 1917, General Smuts, then Prime Minister of the Union observed as follows:-

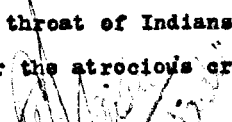
"I feel sure, and I have always felt sure, that
"once the white community in south Africa were rid
"of the fear that they were going to be flooded
"by unlimited immigration from India, all the other
"other questions will be considered subsidiary
"and would become easily and perfectly salu-
"sable. That is the position in which we are
"now in that the fear which formerly obsessed the
"settlers there has been removed; the great prin-
"ciple of restricting immigration for which they
"have contended is in our Statute Book with the
"consent of the Indian population in south Africa
"and the Indian authorities in India. And that that
"being so, I think the door is opened for a peace-
"ful and statesmanlike solution of all the minor
"administrative trouble which occurred and will
"occur from time to time."

Butxhaangxa has it been so. Immediately the immigra-
tion was stopped other imaginary evils and grievances
began to appear. The Colonists demanded the deportation
of all Indians, even those born in Natal.

Well to cut the matter short let me give a list of
some of the class legislations passed by the Union
Parliament and the Provincial Councils.

- 1913 Apprenticeship Act (Union)
- 1919. Act No 37 of 1919 dealing with licenses
and the formation of Indian Limited
liability companies in the Transvaal
(Union).
- 1921. Industrial Conciliation Act (Union)
- 1922. Natal Land Alienation Ordinance (Natal)
- 1923. Natal Rural Licensing Ordinance (Natal).
- 1923. Public Health Act.
- 1924. Natal Boroughs Ordinance. (Natal).
- 1925. Minimum Wages Act (Union).
- 1926. Local Government (Provincial Powers) Act.
- 1926. Mines and Works Amendment Act.

These Acts have simply cut the throat of Indians.
For what offence or crime? For the atrocious crime of
being loyal British Subjects.



NATAL RECORDS

V632 :45 (Y73P15). N)

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41

"PUBLIC MEETING ON LABOUR" (Natal Mercury 24/2/1858)

H.S. Mekler Esq., Resident Magistrate

in the chair.

Mr. Jeffels:

We all know that supply and demand regulate prices - that when the supply of an article is greater than the demand, prices go down - and when the demand is in excess of the supply, prices go up Now stands Kaffir labour then, when tried by this unerring rule? In 1850 when I arrived in this colony, able-bodied Kaffir men were getting five shillings a month with rations and seven shillings a month without rations. These were the rates I paid, I believe, for the first two years. What are the rations now? Why over one-third more. I now pay men seven shillings with rations, and nine shillings, as I am informed that some of my neighbours are already giving that sum. Now as supplied to the commercial rule of supply and demand what do these facts tell us? Why, simply this, that the demand for Kaffir labour is in excess of the supply, and therefore that this daily increasing demand etc., renders it imperative that some steps should be immediately taken to supply not only the present but prospective deficiency. There is another subject, which, from its very important bearing on this question certainly demands a prominent position in this discussion. I refer to the movement which is at present being made to bring European immigration to bear upon this colony. Since the days of our great forefather J.C. Byrne, of blessed memory, this subject has undergone an almost total obscuration. A movement has been made however, within the last six months, of sufficient importance, if I rightly understand it, to induce the Government of this Colony to send to England to charter a ship capable of bringing out one hundred persons under a guarantee from parties already in the Colony of £10 per head, payable within twelve months from the time of landing. There are also other schemes before the public of a more extensive character which in a labour point of view, are under our present circumstances well calculated to create alarm.

Oh! say the promoters but they are the working-classes - in fact labourers themselves and not employers of labour. Granted this may be the case, in regard to the former part of the assertion. But we all know in a country like this, where land is cheap and produce

dear, how soon labourers themselves become employers of labour. Again where is the man so poor as not to be able to employ a Kaffir. The idea is ridiculous, and in every aspect which it can possibly assume - *infra dig*. A man must have a Kaffir, if it is only to cook his kettle, and cheer his master's heart with his country's native song. All this then, tells us, as plain as words and reasoning can do, that we are about to have more and more competitors in the labour market, which at present, to say the least of it, is in an exhausted state. In our present circumstances I am exceedingly jealous on this point, for most assuredly on a good and regular supply of labour hangs our future prosperity.

I think then, gentlemen, that you will at once agree with me in saying that this is another and very cogent reason, which, "renders it imperative that some steps be taken to supply, not only the present but the prospective deficiency!" And here I beg you to ~~not~~ understand me as wishing to lay a sort of double superlative emphasis on the word prospective. I will not trouble you with further arguments on the subject, but will only say that a steady, full, and reliable supply of labour is all we want; give me cheap labour and plenty of it, and I fear no competition from whatever quarter it may come. (cheers)

Mr. W.R.D. Wilson observed that eighteen years' residence in the colony had given him some amount of experience. There were two ways by which the present emergency might be met. The fact, however, could not be carried out; it was to increase the labour of the colony by levying a poll tax on the natives, a plan which though it would add to the revenue something like £40,000 yearly and would secure to the colony a constant and sufficient supply of labour, would probably involve the district in war, or, at least, would be attended with the greatest danger. He repeated this course would inevitably entail war. The other course was for the meeting to memorialise Government to appoint a British consul in the Zulu country, through whom an immigration might be introduced into Natal, from the Amatengas. This could only be effected by a consul as the Zulu chiefs, seeing the advantages it possessed for the

the emigration without a consul, and if there was no such officer 36
 would plunder, rob, and oppress the Amatongas on their way to Natal.
 It was well known that the Zulu chiefs required payment for every-
 thing and service of the smallest value or description. He moved
 the second resolution:-

"That this meeting is credibly informed by persons well
 acquainted with the country, that the Amatonga tribe,
 from the native disposition and habits of the people, is
 well adapted to supply our wants; and further, that many
 of its members are not only willing, but anxious, to immigrate
 as labourers, in order to escape from the tyranny and
 oppression of the Zulus".

Mr. Babbs, feeling the pressing nature of the necessity, was
 deeply desirous for a supply of labour, yet doubted the expediency
 of introducing a new mass of barbarism in our midst, and was dubious
 as to the beneficial effects that were expected to result from their
 introduction. He should like to have information as to how these
 Amatongas were to be introduced, and thought it would be as well to
 introduce three thousand cavalry at the same time; whether they
 were to squat anywhere, at their own pleasure, separating and
 finding houses for themselves. If the introduction took place, he
 imagined a special ordinance ought to be passed, keeping these
 people in a state of utter dependency on their employers for their
 rations, without any prospect of wages. They ought to be treated
 as serfs, so that no evil results might arise from the introduction
 of a new element of danger. He thought that before anything else
 had been done, they should have called upon the Government to
 grapple with the Kaffir question. There was a general move now
 going on among the natives of the district of the coast lands,
 consequently the price offered had recently risen permanently cent.
 per cent. We should have a supply of labour by drawing from them
 their supplies of food, and bringing them more under our own
 subjection. It would be more manly at once to plunge into this
 question, and discuss, not only the means of supplying labour, but
 also its final settlement. He did not think the precipitation
 of such a body of barbarism would enhance the difficulties of the
 question to be coped with.

Mr. Milner was sorry there should be occasion for such a meeting. He saw many present who, in former years, had boasted they had never any difficulty in obtaining Kaffir labour. Probably they were now in the same position as every other planter. With regard to the Amatongas, the relief they would afford would be but temporary, and he should like to know whether there would ever be a plan for obtaining labour from our own natives? Whether a tax would be imposed for forcing them to work? And, whether, if imposed, the Government would compel its payment? If not, he imagined the sooner they left the colony the better. There was an urgent necessity for an alteration in the Kaffir system. They must urge on the Government the necessity of obtaining an increased military force. They must impose a tax on Kaffirs, and they must force them to pay it. The Government had been grappling with the Kaffir question for twelve years, and yet the position of the labour supply was such that no capitalist would invest in the colony. Mr. King had 130 acres under cane, and only two kaffirs. In asking for temporary relief, permanent relief must not be forgotten. The Government would shelve the meeting on this as on every other topic. At Mauritius, the planters had applied, and the Government had relieved their wants. Here the Government see and admit every thing, and yet do nothing. If, on applying to the Government to get these Amatongas, they refuse, then a plan might soon be found to get them without their sanction.

3rd. Session. First Council L.C.N.

Document No. 9. 1858. (Presented 30th November 1858)

I am aware from the past correspondence that the Indian Government do not appear very desirous of seeing an emigration of coolies from India to Natal, and that many difficulties do exist to such a scheme, but seeing that the planters here regard this privilege as of importance, I shall be glad if these difficulties could be overcome. A compliance to the extent now asked for the present applicants might, I think, be conceded. It would serve as an experiment, and would test the advisability of a larger emigration.

J.Scott.

The Rt.Hon.

H.Labeuchere.

45A.

Home Department. (No.44)

31st March 1858.

To the Honourable, the Court of
Directors of the East India Co.,

By the emigration of Indian labourers in Natal was originally proposed by the Govt., of the Cape of Good Hope in Nov., 1855, but the adoption of measures to that end was discouraged by us for the following reasons: First, the abundant demand for labour existing in India, especially in the Bombay Presidency to which the attention of the Natal authorities had been particularly given, and the high rate of wages prevailing here, compared with that obtaining in the Colony. Secondly, the greater advantages held out to emigrants by the Mauritius and West India Colonies; thirdly, the difficulties already experienced in meeting the wants of those colonies; and fourthly, the want of precise and satisfactory information as to the rate of wages to be allowed to emigrant in Natal.

3rd. Session, 1st Council L.C.N.

Document No. 9, 1858) (presented 30th Nov., 1858)

(Further correspondence relating to the introduction of
coolies)

Government House,

Natal.

Aug. 6th 1857.

Extract.

2 Finding on my first assumption of this Government that there was a difference of opinion amongst the public as to the desirableness or the necessity of introducing coolies from India, there being within the colony itself so vast a number of Zulus so well qualified, both by intelligence and physical strength, to discharge every kind of labour, I considered the expediency of bringing this question before the Legislative Council.

3 By their report it will be seen that the council strongly advise an arrangement being made with the Indian Government by which parties desirous of having coolies may at their own expense be permitted to procure them, subject to the same conditions and regulations under which the introduction of Coolies into the other British Colonies is allowed. The Council is also of the opinion that a large number will be required in this Colony, and at rates and inducements equal, if not superior, to those offered in the Mauritius or West Indies. The Council also states that the parties requiring coolies are fully prepared to give such security for the payment of expenses, the rate of wages etc., as the Indian Govt. may require.

J. Scott.

The Rt. Hon. H. Labouchere.

47
3rd. Session, 3rd Council, L.C.N.

41

Document No. 18, 1864.

Correspondence with the Secretary of State, for the Colonies, on
the subject of coolie law.

Government House, Natal.

Aug. 11th 1863.

Extract:

Each year as the white population increases in number there is an increasing demand for labour, and this we cannot expect to be met by the Natives; the competition for Native labour already existing had had the effect of raising the monthly wages of the Kaffir from five shillings in 1857 to ten shillings in 1863, which is equal to the monthly wages of the coolie. White labour is very costly, and altogether beyond the means of the colonists; cheap labour is, in fact, a necessity. The introduction of a limited number of coolies each year will supply this; it will render the colonists less dependent than they now are on the Natives, and by lessening the competition will keep down the wages of the Kaffir.

Each Coolie is bound to five years of industrial service, but before he can claim a free residence of ten years in the Colony. These Indian Coolies are not a saving people, and few of them will, I believe, be in a position to pay their own return passage, and there is every reason to believe that most of them will become permanent residents, in this respect; therefore, the colonists generally will reap great advantages from the labour these coolies will supply when their five years of contract service has expired.

J. Scott.

His Grace the Duke of Newcastle.

3rd. Session - 6th Council L.C.N.

General conditions of Coolies in Natal. (page 13)

In the neighbourhood of Durban there are many small locations of Coolies, who cultivate land and carry on a thriving trade in the sale of vegetables and tobacco, grown by themselves. Some are employed as boatmen, and hold shares in boats plying between the wharf and harbour. A considerable number are thriving well as fishermen, and enjoy almost a monopoly of the supply of fish.

The settlement of seven coolies near the Waterloo estate, where they have held 120 acres of land at £1 annual rent per acre, has already been noticed, and coolies have retired from estates and settled in land adjacent thereto, to grow sugar there, and to avail themselves of the mill on the estate they vacated.

We were frequently told that the acquisition of land in the neighbourhood of a market was a great object of ambition, and there is reason to suppose that if small grants of eight or ten acres could be made in the neighbourhood of Durban, in lieu of a return passage, they would be accepted in numerous instances, and would be far cheaper to the colony, while the advantage of retaining in the country a race of men of industrial habits and skill can scarcely be doubted.

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Report of Coelie Commission, appointed to enquire into the condition of the Indian Immigrants in the Colony of Natal.

Third session, Sixth Council. L.C.No.1

Page 8:

It is our duty to bring to notice the treatment of free coelie labourers now on the two following estates:- Duiker Fontein (Mr.G. Jackson) Springvale (Manager Mr.T.Andersen) a copy of a contract made by Mr Jackson with his coelies will be found in the appendix. It is agreed that the coelie shall work for twelve months of actual service, receiving 14/- for a month's service of thirty days, but that 1/- per diem shall be deducted for absence. The result of this is, that at the expiration of a year of 365 days, the coelie was entitled to wages for 213½ days of £4.18s. and had 151½ days to serve, in fulfilment of his contract, and had incurred forfeits for absence for 151½ days amounting to a sum of £7.11.6d.

There were thirty five coelies in the estate most of them were bound by contracts either the same as, or differing but little from the above, and their discontent was great and loudly expressed they would have deserted, but their free passages were held by Mr. Jackson, who refused to surrender them. On the Springvale estate we had reason to believe that Mr. Anderson was in the habit of ill-treating his coelies; and in one case which came under our immediate notice, the necessary steps were taken to ensure investigation by the Clerk of the Peace.

We would recommend that no future assignment of coelies be made to these estates, until security against mal-treatment shall have been furnished by Mr. Anderson, and Mr. Jackson shall have unconditionally returned the free passes of the coelies in his service.

It is hoped that if the suggestions, which will be found further on, regarding more regular periodical inspection of the immigrants be adopted, it will be impossible for even the most trivial case of ill-treatment to occur, without its being promptly brought to notice and investigated.

Pages 9-10 (Complaints by returned Coelies)

3rd. As to the arrears of wages due by Mr. Crozier to several coelies it is much to be regretted that owing to peculiar circumstances,

connected with the insolvency of the estate, it has been found impossible to remedy the injustice which was most certainly done to the complainants, and also to other coolies now in the Colony. The case was however duly brought to the notice of the Government at the time of the insolvency, and then fully considered, as will appear by reference to the correspondence annexed (R, 1918-1867) and it will be noted that although opportunity had been afforded the coolies did not complain until eight months wages was due. Their Sirdar stated that in truth he was the principal sufferer as he had advanced a great portion of their wages during this time to the Coolies, and had not been repaid by the master, or by them. It having been stated at Madras, by the returned coolie, "Raboo" No. 3,049, that Mr. Crosier's Manager and Sirdar used to worry and bully the coolies so, that four men hanged themselves to escape the annoyance of being compelled to work when sick, and of being beaten it became our duty to ascertain the truth or otherwise of these statements.

It appears that Vancamamony was assigned to Mr. Crosier on the 9th of February 1866, and committed suicide by hanging himself on the 14th idem. Veerasammy was transferred to Mr. Crosier on the 23rd., December 1865, and committed suicide by hanging himself 21st Feb. 1866. Both these cases were investigated at the time by the Clerk of the Peace, at Durban, and no cause of the suicides could be traced. The reports of the Medical Officer do not give any information, beyond recording that the cause of death was hanging.

But we find that the manager of the estate, Mr. Andersen, declared on the 6th March 1866, that "judging from the manner of the coolies, including the first deceased, it was his belief that the coolies assigned to Mr. Crosier, who came by the 'Adelaide', imported a quantity of some delirious opiate, which he thought was still in the course of consumption on the estate and probably led to the suicide of the deceased".

The Sirdar Ramysammy was also stated that Vancamamony was subject to fits, and that Veerasammy was also in illhealth.

The records of the Coolie Agent's office show the death of one other coolie in Mr. Crosier's service, but there is no report

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the man in question suffered from night blindness, and was found lying dead in the bush, but did not commit suicide. It is much to be regretted that no further record of this case can be discovered, but it is presumable that the man died from natural causes, and without any attending circumstances to cause suspicion.

At the time of the above occurrences, the men employed on the estate were paid regularly, rations appear to have been regularly issued, and about twenty free coolies were employed, who would certainly not have engaged themselves if the men had been subject to systematic ill-usage of any kind; and although both the manager (Mr. Anderson) and the Sirdar admit that the work on the estate was hard, we cannot discover that any complaints were made, either to the magistrate or the coolie Agent.

It is alleged by a large number of the coolies that a gratuity of One hundred rupees (£10) was promised to them on the completion of their term of service in the colony, in addition to a free passage^y

This promise was made by native agents only, but in some instances it is said to have been made to them in the presence of an English Officer, though not by him. There can be no doubt that some of the coolie recruiters in India have not scrupled to hold out the hope of such gratuity being paid, and we would recommend that in case of any future shipments, the terms of engagement be written in the vernacular language of the emigrant, and a copy delivered to him under the signatures of the agent and Protector of Emigrants, previous to his departure from India.

As to marriages among the coolies we first reported, too many males were single, and the scarcity of females caused many debauches, and in many cases they committed suicide; therefore I consider to stop this, when they agree to marry, the agreement should be drawn by the coolie agent, in the coolie office. After they agree to marry, if either party refuse to marry, the Coolie Agent should punish the guilty person. If a woman commits adultery, she should be punished by cutting off her hair, and ten days imprisonment, and cautioned that if she goes to another man she must pay to the first husband £10. The adulterer should be fined £5, and be imprisoned for twenty days, and get twelve lashes. The wife should be imprisoned until she repaid the money or went back to her husband.

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Rangasamy, Hotelkeeper, Verulam, June 23rd. 1872, in evidence before the "Coolie Commission" page 27.

The Commission, in their report, state of Rangasamy as follows: "Reference is here solicited to the evidence of Ranga Samy, now an hotel keeper at Verulam, in country Victoria, a thriving, respectable and most intelligent native of Madras, whose opinion on various points connected with the welfare of Indian immigrants in Natal are both interesting and valuable". page 12.

ENCLOSURE

Government Notice No. 356 of 1903.

His Excellency has decided that an exception shall be made in favour of those whose intellectual attainments or social qualities and habits of life appear to entitle them to it and has accordingly resolved that any Asiatic who shall prove to the satisfaction of the Colonial Secretary that he holds any higher educational certificate from the Educational Department in this or any other British Colony, or Dependency, or that he is able and willing to adopt a mode of living not repugnant to European ideas nor in conflict with sanitary laws, may apply to the Colonial Secretary for a letter of exemption which shall enable him to reside elsewhere than in a place specially set apart for Asiatics.

W.H. Moor,

Assistant Colonial Secretary.

INDIAN IMMIGRATION IN SOUTH AFRICA

CHAPTER I.

Introductory. Geographical conditions.

S.Africa. Potentially fertile on East Coast kept back by

(a) difficulties of landing.(b) difficulties of transport.

(c) War-like traditions of native races. Hence land but no labour.

India. A menseen country, relatively easy transportation, fertile land. Hence - ever-flowing population living at low level of comfort.

Historical conditions.

(Buckle:History of Civilisation). migration in the air from 1830 onwards. Establishment of indentured emigration from India. Safeguards proposed. Emigration to Mauritius and West Indies. Position in Natal. Rich country with large native population. Tradition against white man working with his lands. Climatic difficulties. Abolition of slavery 1834. Shapstone's native policy Kaffirs established on reserves, there practising subsistence agriculture in relative prosperity. No need to work. When did work unreliable, would depart at moment's notice if annoyed or for festivity etc. in his kraal. Shapstone strenuously resisted any attempt at compulsory labour (position in Kenya to-day) His unpopularity among colonists, his policy supported by Lieut. Governor and Home Governor (refer to Dr. Loram's expected biography of him).

CHAPTER II. The first experiment 1855 - 1871.

Natal's very serious shortage of labour. To save recurring to subject collect together various proposals and for securing more labour ^{private} during the definite establishment of Indian Immigration in 1874. (a) Convicts - Despatch dated Feb. 14th 1856 from Secretary of State for Colonies to Acting Lieut. Governor Cooper. "I have received your despatch No. 63 of the 9th Nov. last, transmitting a petition addressed to the Queen by certain inhabitants of Natal, praying for the introduction into Natal of a limited number of convicts to be employed on the works at the Harbour and I request that you will acquaint the petitioners that

~~1873~~

it is not in my power to recommend a compliance with the prayer of it."

(a) Later in 1874 the Natal Legislative Council actually passed a law for private employment of convicts - apparently natives - who with their families were to be "assigned" to white men. This law was disallowed by the Home Government, the Secretary of State for the Colonies writing, "To take a general power of assigning convicts as private servants would open the door to many objectionable practices". Natal Government notice 181 of 1875.

(b) Malay and Chinese Labour. Natal Mercury of 2nd Feb. 1858. "Welcome the arriving of Mr. Crawford able manager of Umsinte Sugar Co. on his return from Java where he has secured the services of a fine body of Chinese and Malays"... "This first introduction of Eastern labour, we hail with satisfaction as the thin end of the wedge. We are satisfied that the presence of a few thousands of such labourers in this colony will operate most beneficially as an example to our own natives, besides affording relief and a guarantee of success to the operations of the planters". The renewed demand for cheap labour after 1870, further enquiries were made for Chinese, and a letter published in Natal Mercury Jan. 4th 1870, seems to reflect a very common state of opinion among the planters. Writer complains that setton plenty is held back by lack of labour and inquires "What would 50,000 Chinamen look like in Natal? What would our reports look like in ten years? ... Want of reliable labour has sent many a disgusted settler from Natal, it is our great weakness. Farmers cannot afford to pay high wages. Cheap and reliable labour is what we must have".

Later however, the Colonial Secretary for Hong-Kong writes to Colonial Secretary for Natal as follows: "A Chinaman does not in the proper sense of the word emigrate, but simply goes to a foreign country with a view of making money and returning home".
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Refers to Natal rates of wages - 10/- or 15/- per month with rations. "Now the fortune-seeking Chinese would want more than this to enable him to carry out his hope of returning to China and he would expect to earn it without too much laborious physical work

and without denying himself reasonable indulgence in what he xrgant considers the luxuries of life.

(c) Proposals - which apparently came to nothing - were made with a view to mh precuring Portugese from Madeira. - Govt. Notice 101 of 1866, and Creeles from Re - Union. Govt. Notice 1849 and 1874. There is even in 1874, a curious correspondence, which seems to translate one into another world, with Joseph Arch of National Agricultural Labourers Union at Birmingham, dealing with the possibility of assisted emigration of English/agricultural labourers to Natal. Govt. Notice 59 ref 1874.

(d) There were various attempts to recruit native labour from beyond the Natal Borders. A public meeting was held in Durban in 1859 to discuss " some means for supplying the daily increasing demand for labourers which the extended agricultural operations of the country (i.e.Durban) urgently requires". Natal Mercury 28/1/1859 This meeting asked for the recruitment of Amatonga (i.e.natives of Portugese East Africa). Shepstone in reply decidedly snubbed the meeting and called their attention to fact that contracts of servife made beyond the Colony were not valid within it. Another attempt to recruit Amatonga was made in 1863, but it failed also, owing to the unwillingness of the tribesmen to engage for long periods. Govt. notice 130 of 1863. Attempts were also made to induce refugees from the frequent tribal wars in Zululand to enter the service of the white farmers but without substantial success. Govt. Notice 139 of 1856 - Legislative Council Papers No. 21 of 1860 Govt Notice No.63 of 1874.

Meanwhile various persons both in Ndtal and England were impatiently asking why in a country where the black natives far outnumbered the white, it was necessary to recruit labour from outside its own borders. Perhaps the best answer to this question can be given in th very words of Shepstone writing in 1853 in reply to a Mr. Severly who had enquired whether native labour " in sufficient quantity and at fair wages " can be precured and whether the Native population can be relied on for steady application!. Shepstone says " The natives of this district are savages and there for fickle and uncertain in their opinions and feelings It is not reasonable to expect that a nation of warriors and hunters

should at once become steady labourers. There are however grounds for thinking that by prompt and regular payment and strictly just treatment a considerable supply of Native Labour may be obtained, but it would not be prudent to engage in any work requiring a constant and or uninterrupted supply of labour relying solely upon that which can be obtained from the natives" Govt. Notice No.11 of 1853. In this situation which cannot but remind one of that existing now in Kenya, the planters tried to induce the magistrates to use their authority to procure labour from the natives and the Lieut. Governor had to issue a notice requesting that magistrates "would not allow themselves to be the medium of such negotiations between the planters and the chiefs" Leg. Council Sessional papers No. 12 of 1859.

The same point was taken up again in 1870 in a correspondence between Granville the Secretary of State for the Colonies and Keate the Lieut. Governor. The former inquires why in a Colony where European number 16,000 and the Natives upwards of 200,000, it is necessary to recruit from outside and the latter answers "The natives of Natal inhabiting the locations, are in fact free-holders"(This is misleading. There is no such individual tenure. The tribe holds land communally practising mainly subsistence agriculture "As such they are producers, but not to such an extent as to prevent their supplying from among them to the Colonists a very large body of labourers for wages; of these labourers however, comparatively few are as yet absolutely dependent on wages for their livelihood for they have more or less interest in the location lands. The majority of them are apt in consequence to offer their labour on conditions more suitable to themselves than to the Colonists who employ them. The latter want to secure long terms of service at small wages; the former prefer short terms of service terminable almost at their own discretion, with wages on a more liberal scale, though still remarkably low as compared with the rate of wages in most other countries ". He then points out that the outside natives necessarily come for longer periods and cut off by distance from their Kraals and chiefs have nothing to fall back on if they quarrel with their masters. Hence the desire for recruiting beyond the borders of Natal. Leg.Council Papers No.35 of 1870.1871.

In the same correspondence reference is again made to the practise of using Magistrates as recruiting agents. The Leg. Council had passed a Bill legalising this practise and providing that Magistrates Office should be used as a registry. Keates had refused to sanction the Bill and in answer to Granville's inquiries explained that in practise such a custom would amount to forced labour. "It would take very little to convert this notification (i.e. by the magistrate to the chiefs that a certain number of native labourers were wanted) into an order, for the relations of the Natives are such as to render it very difficult for the former to distinguish between the binding qualities of a magistrate's wish and a magistrate's order. The arrangement would develop into an engine for imposing forced labour". Granville in answer fully agrees and Natal was saved from the unfortunate sequence of events which later occurred in Kenya. Granville even goes so far as to suggest that the existing right of the Natal Government to requisition native forced labour on public works (roads etc.) should be foregone. This however - the abolition of isibela - did not occur till many years later.

During all these discussions and negotiations, the planters' need of labour was at recurring periods acute. In 1857, a Mr. Johnston stated in the Legislative Council that while 300,000 Kaffirs were required 6000 or 7000 only were available (Natal Mercury 30/4/1857). and the public meeting of January 1858 may also be recalled. Thus by the pressure of the planters the Government of India was slowly and reluctantly forced into ^{the} experimenting of importing coolies into Natal, that being the only one among all the sources of labour tried which did in practise yield a steady stream of cheap and reliable workers.

The first suggestion of such a possibility is found in a letter to the Natal Mercury of April 25th 1855 in a letter signed J.R.S. (apparently J.R. Saunders of Tongaat). The letter which extends over two columns gives a history of coolie migration into Mauritius and insists that unless the proposals are very carefully drawn up with a knowledge of the Home Government's views on Coolie and Chinese labour, they are almost certain to be rejected. Therefore the Natal Policy must take into account the following three points,

1) The contract must be for three years only. 2) But there is no serious risk of its not being renewed. 3) The labourers can get the equivalent of 20/- a month in Mauritius and therefore this must also be paid in Natal. In a leader on the subject on May 2nd. 1875. the Natal Mercury refers approvingly to the letter in view of the correspondents experience in Mauritius and concludes "Our correspondent thinks that the present law may be trusted to secure all that is required and consequently .. no further delay need occur beyond those preliminary arrangements which will devolve on our Government to make with the East India Company. Then let all parties interested meet together and concert at once practical measures for securing the great desideratum of our industry - an adequate supply of reliable and effective labour" Another correspondent writing in the Natal Mercury of May 16th 1855 and signing himself "an interested observer" thinks " we can get the labour better and easier as individuals than through the Government which is sure to burden us with all sorts of restrictions and laws. But we must have them (i.e. the coolies) if ever we expect to do any good with any kind of tropical produce. All are now fully sensible of this fact therefore the sooner it is set about, the better". About this time, Sir George Grey, the newly-appointed Governor at the Cape, visited Natal (which till 1856 was still a district of Cape Colony) and the first draft of the address to him had no reference to the need of imported labour and a leader in the Natal Mercury of June 6th 1855 deploras this omission. "Lack of labour will in the near future imperil the whole industry. In Mauritius on 60,000 acres, 100,000 tons of sugar are produced, but with 60,000 labourers, and of these only 10,000 are employed at any one time. Unless some steps are taken and import of labour seems the only one, the sugar industry in Natal cannot but fail". The address as finally submitted contains this passage. The address was adopted at a public meeting of the inhabitants of D'Urban, the Mayor Mr. Gate in the chair. "Independently of the measure for developing the labour of our own natives, we believe Your Excellency will find occasion to sanction the introduction of a limited number of coolies or other labourers from the East in aid of the new enterprises on the coast lands to the success of which

sufficient and reliable labour is absolutely essential; for the fact cannot be too highly borne in mind that on the success or failure of the rising enterprises depends the advancement of the Colony or its certain and rapid decline. Experimental cultivation has abundantly demonstrated that the issue depends solely on the constant supply of labour". Natal Mercury 25/7/1855

(As a result Sir G. Grey began a correspondence with East India Co. - but this is in Cape Archives which I have not yet been able to consult).

Natal became an independent colony with its own Lieut. Gov. in 1856 (as a part of Sir G. Grey's ill-fated federation proposals) and henceforth conducted its own negotiations with India and the Home Government.

A form asking planters to indicate the probable number of coolies required was issued in 1856. Govt. Notice No. 5. 1856. and in 1857 a number of planters signed a document setting forth their willingness to employ Indian immigrants for three or five years at a wage not exceeding 10/- per month, together with rations, lodging etc., and to pay £7 sterling per head for the cost of their introduction into Natal and in the same year the Lieut. Governor's speech in opening the Council foreshadows legislation giving validity to contracts of service made without the limits of the Colony. There was some opposition to the idea of Indian immigration and the matter was referred to a select committee of the Legislative Council, which reported strongly in its favour. Thereupon the Bill referred to above was passed but disallowed by the Home Government, the secretary of State for the Colonies, writing in R Nov. 1857, criticising it severely on the ground 1) that the periods for which contracts are contemplated (5 years if made in Europe, 7 years if made before a magistrate in any British Colony) were much too long. 2) That there was no restriction on the places from which the immigrants might be introduced and no restraint on possible abuses, save that a stipendiary magistrate, when the contract was to be ~~summarily~~ confirmed before him might amend any contract manifestly unjust and inequitable.

An ordinance of Mauritius is enclosed which it is suggested that the Legislative Council of Natal might base another act to replace that disallowed. The leading principles of the ordinance were that all the immigrants vessels were to be licensed for a single voyage only and the licensee was to specify the port of embarkment and the condition under which the transport of immigrants was to take place, the Master to give a bond for the due performance of these conditions. On arrival at Natal a government officer was to take charge of the immigrants, and was at liberty to cancel their engagements if they appeared inequitable, and especially unless the secured to the immigrant the current wages of the colony. The term of contract should not be more than three years. A report on the organisation and a periodical report on the treatment of the immigrants should be furnished by the Lieut. Governor to the Secretary of State for the Colonies. This despatch and the enclosed Mauritian Ordinance were the foundation of the first Natal Coolie Law - Law 149 of 1859. It followed the lines prescribed. The Colony was to be responsible for the transport of the coolies and employers were to pay 3/5ths of the passage money of each coolie and of such proportion of females as, according to the regulations shall be required to accompany them. The Lieut. Governor was to appoint an immigrant Agent who was to keep a register of immigrants to assign them to employers for periods not exceeding three years, husband and wife, parent and child, always to be allotted together, and in other relationships the wish of the immigrants to be respected as far as possible. The coolie was to re-indenture for two years (possibly under another master) but after these five years of service was to be free. The employer to provide medical care and attention and to retain the services of a medical practitioner to this end. If the coolies were ill-treated, the contract could be determined by the Lieut. Governor and the coolies re-assigned. After ten years of residence, the coolie could claim a return voyage to India or alternatively at the discretion of the Lieut. Governor a grant of Crown lands of equal value may be made to the coolie. Estates were to be inspected twice yearly by a Resident Magistrate or the persons duly authorised by the Governor.

This act was approved by the Home Government and Natal had thus made ready for the coming of Indians, but meanwhile difficulty had arisen with the Government of India. The letters sent to the Cape in answer to Sir G. Grey's inquiries were forwarded to the new Lieut. Governor. Apparently for some reason Natal had asked for immigrants from Bombay. The Indian Governor reports that there is abundant demand for labour near Bombay at rates higher than those offered in Natal. As for emigration from Madras and Calcutta the superior advantages held out to emigrants by the Mauritius and West Indian Colonies, the difficulties experienced in meeting the wants of these colonies, and the adequate demand for labour which exists in the Madras and Bengal Presidencies would combine to prevent any emigration taking place to Natal on the terms specified. The letter continues "Under the circumstances I am directed to state that the Governor - General in Council is of opinion that no useful purpose would be gained by authorising the emigration of labourers from any of the parts in India to Natal", and the writer concludes by suggesting that voluntary emigrants might be procured from Mozambique or Madagascar. Leg. Council Papers No. 3, 1857. But in the meantime Scott the Lieut. Governor had forwarded to the Home Government a copy of ^{the report of} the Select Committee of the Legislative Council asking for coolie labour. The matter is of so great importance that although the enclosing letter to some extent only repeats statements already made, it is desirable to give considerable quotations as showing that the views with regard to the colony's shortage of labour were definitely and with a full sense of responsibility endorsed by the Government.

"The parties engaged in the production of sugar and the cultivation of other tropical products object however to Zulu labour as being uncertain and dependent on circumstances over which no control can be exercised and state that they are consequently deterred from cultivating extensively from fear that labour might at the critical moment fail them. These parties also state that if this objection to extensive cultivation of sugar cane were removed, they were confident that other capitalists would soon settle in Natal and that the production of sugar and other tropical products would be greatly increased."

The Governor then indicates his doubt whether native labour might be trained to the work, but states that he is alive to the importance of not checking the sugar estates and therefore would "advise that the Indian Government be moved to grant their sanction to a limited number of coolies being introduced". He states of the planters "They are also ready to enter into any bond which either this Government or the Government of India may require for the due fulfilment of all conditions". He is aware "that the Indian Government is not very desirous of seeing an emigration of coolies from India to Natal" but "seeing that the planters here regard this privilege as of importance" advocates compliance as an experiment. Transport may be perhaps arranged through a mercantile firm" subject to such conditions as the Indian Government might for the due protection of the interests of the coolies. Should this be permitted this Government would of course guarantee the proper treatment of the coolies and the due discharge on the part of the planters of agreement during the time of their servitude in this colony. Letter dated Natal Aug. 6th. 1857 given in Leg. Council Paper No. 9, of 1858.

This letter was apparently forwarded to the Government of India (Home Dept), after having been reported on by the Emigration Commissioners in the following terms "Until the necessary ordinance shall have been passed and approved, the emigration will not be allowed by the Indian Government to commence. Leg. Council Paper No. 9 of 1858. The Indian office thereupon wrote to the East India Co. in the following terms (Letter dated, Fort William, March 31st 1858) "The emigration Commissioner in London think that one of our objections is obviated in some measure by the higher rate of wages now offered. But they think that before any discussion is come to provision must be made for various matters of detail including the importation of women and the possible contingency that the cost of emigration might exceed £7 per head, the sum which the applicants for coolies undertake to pay". "After a careful consideration of the subject we have come to the conclusion that if the colony agrees to the rules which we have considered sufficient in regard to other colonies it would be unjust to it and to the Indian Government to refuse to allow such labourers to go to the colony

if they can be prevailed upon by legitimate offers to do so. Whether however the inducement offered is sufficient is matter of consideration of the parties concerned". Le. Council Papers No. 9, 1858

(From this point lack of time and part that I have not yet completely worked through the archives necessitates a very brief summary of events M.P).

Natal Government despatched its Postmaster General, Collins to Mauritius and India to make necessary arrangements. He found "notwithstanding the receipt of a despatch from the Secretary of State for India dated Dec. 1st 1859 (I have not seen this) and addressed to the Government of India, directing that the necessary steps should be taken for obtaining a legislative enactment to authorise the emigration of Indian labourers to Natal, no act on the subject has yet been passed by the Council of India". Colonial Secretary's office Natal letter 901 of 1860. Collins made final journey to Calcutta, procured the passing of the Act standing orders being suspended 'to allow of its reaching its 3rd. reading at an early date' Colonial Secretary's office letter 1020 of 1860. appointed an Emigration Agent at Madras, arranged for the chartering of the first ship, which reached Natal Nov. 17th 1860. A Cecil Immigration Agent (Mr. E. Tatham at a salary of £200 a year) was appointed to make arrangements for their reception and assignment. A series of very sound and responsible communications from Franklin, Protector of Emigrants at Madras (who evidently took his duties seriously) criticising Natal arrangements 1) Wages too low, 2) thinks free passage home should be given after five years not ten, 3) Deductions contemplated from wages for food and lodging most undesirable. Cash wages without deduction should be stated 4) Natal offers no clothes. Mauritius gives one suit of clothes a year. Col. Secretary's Office letter No. 1083 of 1860. With the first ship the Tyne, he sends a letter to the Colonial Secretary re-emphasising the facts 1) that wages should be 10/-, 11/-, and 12/- a month without deductions for 1st, 2nd, and 3rd year respectively of contract and 2) that these wages apply to field labourers, but not to house servants, who are to receive a minimum of 16/- a month and are not to be engaged in field labour. 3) that coolies desire to be able to remit funds home. Col. Sec. Office Letter No. 1223, 1860.

The coolies then arrive and ship-leads continue to come up to 1866. Then depression of Colony leads to discontinuance. There were many difficulties about the payment of the passage, money which greatly exceeded the £7 allowed. The first coolie immigration Agent, Tatham apparently did his work well - no evidence that he spoke any Indian language - but he did visit estates and occasional issue reports. One of these is commented on very favourably by Clinton Murdech of Emigration Commissioners. Leg. Council Paper No. 18 of 1864. He resigned however 1864 (Chamber of Commerce in Durban protested against his resignation being accepted and was snubbed by the Governor) Leg. Council Paper No. 30 of 1864, and his place was taken by H.C. Shepatone who apparently did little or nothing. The term of assignment was raised to five years instead of three (law 179 of 1864) The Wesleyans began their mission to the coolies about 1866. The Indians became sufficient at home to celebrate their customary festivals (Natal Mercury, May summary 1870 and free Indians took up land and began fishing, market gardening, etc. etc. Public opinion quite enthusiastically applauded all these developments.

Natal Mercury 19/1/1865, says in a leader "the coolie immigration after several years experience of it is deemed more essential to our prosperity than ever. It is the vitalising principle. It may be tested by its results. Had it not been for coolie labour, we should certainly not have had it to say that our sugar export increased from £26,000 in 1863 to £100,000 in 1864, and has prospects of a greater increase before it. Had it not been for the coolie labour we should not hear of coffee plantations, springing up on all hands and of the prosperity of older ones being sustained solely through the agency of East Indian men ... We do not think that the white population .. need be alarmed about the fancied effects of Indian Competition. The coolie is a capital field labourer in cases where it would never pay to employ white labour, and he is a useful accessory in mechanical industry, but that is all. His presence will rather be a benefit to European mechanics and workmen, inasmuch as the enlarged production and increased prosperity he will create must give wider scope for the employment of our own skilled countrymen".

Leader in Natal Mercury of 22/4/1866, reviewing book by R. Duff on British Guiana refers to the "vitalising movement that has saved Guiana, restored the West Indies, enriched Mauritius and been of some service to us in Natal".

On 11/1/1865, a leader in Natal Mercury advocates coolies should be encouraged to take up land "We see no reason why a coolie should not be encouraged in his natural wish to make money more rapidly by working for himself. In creating wealth he must benefit the community in greater degree. Hence we think that the Government might lay out small plots of land, among these to be allotted to Kaffirs, for sale to free coolies of course at the upset price... We can conceive that private planters and land owners might find it remunerative to encourage small coolie growers to cultivate for themselves, by offering patches of leased or bought land and to crush their cane ... at their landlords's mills".

On 12/1/1865, the Natal Mercury says "Perhaps in this fact (low wages in India) we have our most abiding reason for trust in the permanency of coolie immigration. The European employer in India will not soon change his skin. ... So far as the coolie in Natal has not much to complain of and we ardently trust that he will never be able to upraid his colonial masters". We may quote also the Kaffir's Minute as given in Natal Mercury 23/8/1866 "Only six kaffirs remain in the employ of the Corporation the bulk of them having been discharged with the view to economy, and the Town gang consists with this exception entirely of coolies who are found to work satisfactorily under the superintendence of the foreman and underforeman of Town Works". But there was another side to this official and journalistic optimism. S. African contempt for coloured skin and tradition of flogging as normal estate discipline. Slackness of coolie Agent - admitted to Commission of 1872 that he hardly ever visited estate save for the purpose of assigning coolie. He was really an Agent for the planters, not a Protector of the immigrants. immigrants, and he was very much embarrassed when the coolies insisted on regarding him as the latter. He told the Commission of 1872 "I have never been appointed under Sec. 22 of Act 14 of 1859, to inspect the estates; it was therefore not my duty. I have visited most of the estates employing a large number of coolies

frequently each year for the purpose of re-assigning coolies and generally asked them on these occasions if they had anything to complain of I would wish to draw the attention of the Commission to the anomalous and unpleasant position of the coolie Agent when visiting estates. The coolies regard him as their protector and think that any complaint made to him must be righted at once, whereas the coolie Agent has no power whatever and can only recommend them to go to the Magistrate, which they are averse to, as they have no confidence in the interpreters". Evidence of H.C. Shepstone, Coolie Commission of 1872 page 36. Complaints of ill-treatment and unsatisfactory rations. Lieut. Governor had to publish notice precisely defining letter. Some difficulty in getting rations for the women, some planters refusing to provide food for them as they did not work (their husbands apparently to support them on their weekly half-crown). Natal Mercury of 14/7/1866 publishes a letter from Calcutta coolie, complaining that agreement signed in India is not carried out. No fish supplied, reason given - none at shops, but if master is asked for more money in lieu replies "tut-tut". Some planters give half rice, half mealies, but no such change should be valid unless the coolie agrees (it was authorized by the government and doctors agree that mealie-meal is more nourishing *if* - a big *if* - the coolie knows how to cook it properly) Then again if a coolie be sick, a shilling a day is stopped hence a month's sickness means 3 months' loss of pay. Complaints further of irregular payments and demands regular fortnightly wages. "He one" he declares "protects the coolie" and predicts the sending of petitioners to Indian and English Governments. The newspaper however will not give up its easy attitude of optimism and declared coolies in Natal are better treated and easier worked than in any part of the world and refers rather scoffingly to letter's peculiar phraseology. Finally the attention of the Indian Government was called to this discontent by complaints of coolies returning on 'Red Riding Hood' in February 1871, who complained of non-payment of promised bonus ~~£10~~, of an illegal reduction by retrospective legislation of money to be paid while waiting for a boat, of flogging on the estates and of irregular payments of wages. At same time demand for labour beginning ~~it~~ again with renewed

* call ...

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actually began - so great was the emergency - before final and formal approval was granted. Began again in 1874 and continued steadily until 1911, working under system mainly devised by that remarkable man, Colonel Price Lloyd. Unfortunately he retired in 1876 though the form of his system remained, most of the spirit evaporated and the Protector of Immigrants tended to become again rather an agent for the planters than an official watching over the interests of the coolies - though not quite to the same extent as between 1860 and 1870.

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EUROPEANS AND INDIANS IN NATAL

A comparison.

In reviewing the condition of Natal today as indicated by the recently issued Census report and other official publications, the first phase considered was "The White Man's Loss? It was suggested that the European population is displaying a slackening energy, a tendency to stand aside, whilst the development of the land is undertaken by an alien people. The antithesis is the Indian gain, and what this is now, stand equally clear.

In order that the subject may have the calm discussion its importance merits, it is necessary to remember two points; The British Indian population did not force its way into Natal undesired and uninvited. The indentured coolies were obtained at the request of the people, and, though possibly the consequences were not then foreseen, the responsibility rest upon the white inhabitants. Secondly, the presence of the Asiatic workers has led to greatly increased prosperity. No doubt Durban's geographical position in relation to the great market on the Rand has largely built up Natal's wealth. But the success of the tea and sugar industries and much of the increase in the area of land cropped are directly attributable to the supply of cheap and regular labour from Madras and Bengal.

Yet the question which faces Natal to-day is whether a continuation of the importation of this labour will result in a similar rate of progress. Is it likely that the white population will prosper as it has in the past? Is the contention of that admirably moderate paper Indian Opinion, that the progress of the European community largely depends upon the supply of Asiatic labour and the work of the immigrants, correct?

Agriculture is the back-bone of Natal. In that far distant day when the disused workings of the Witwatersrand mines may be visited by the curious tourists, as are the Zimbabwe ruins today, as the relics of a bygone age, the condition of life in the Garden Colony will depend upon the decision come to in the next few years on the Asiatic question. The competition of the Indian peoples in Natal is today only in its infancy. The men who have

have been brought in under contract do not represent the best of the intelligence and the civilisation of India. The standard is so low that, despite the little expected, the Protector of Immigrants has called attention to the deterioration in the class obtained in his last report. But even with this indifferent material the competition is great. What will it be with a second generation, growing up under better conditions and provided with an education their fathers never received?

In agriculture today the Indian is performing work which could be done by the white population. Here are some of the figures showing the vocations to which coolies and ex-coolies turn:-

	European	Asiatics.
Cultivators	59	3,031
Farmers and assistants	6,606	2,412
Farm labourers	107	16,142
Fruit farmers	39	700
Gardeners	113	3,644
Fruiters	17	151
Produce dealers	111	34
Poultry farmers	26	22
Planters (general)	96	133
Dairy farmers and assistants	131	20

Small wonder that even the cautious Census Committee in reviewing the position indicated by these figures remarks that this is "a condition of things regarded by many as distinctly opposed to the best interests of the Colony"

But the Asiatic has another fault - from the white man's standpoint. He is ambitious. The plantation coolie may die a coolie; his son may become a landowner, or a small trader or a storeowner, even a merchant on considerable scale. In Natal, Indian competition is not confined to agriculture, The loudest complaints come from the trading class. Practically the entire native trade in Natal has passed into the hands of the British Indians. The following figures show the position in respect to a number of trades in Natal in 1904.

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	Europeans	Asiatics.
Storekeepers (general)	658	1,206
Storekeepers' assistants	1,252	1,323
Bakers and confectioners	213	78
Butchers and assistants	306	42
Greens and assistants	425	75
Restaurant-keepers	64	26

Even in clerical work the Asiatic has begun to make his presence felt. This is a department in which the figures will grow steadily as the Indians become more educated and the Indian children now at school begin to search for a means of livelihood.

Today only 12,128 males of the 100,000 odd Indians in Natal can read and write. But they provide the following competition:-

	Europeans	Asiatics.
Agents (various)	339	15
Accountants and bookkeepers	851	69
Clerks (various)	1,611	174
Civil servants	1,465	21
Commercial travellers	198	2.

And lastly comes the general labour, skilled and unskilled, of the Colony. One more table will show the trades and vocations in which the Asiatic is competing most keenly with the white man:-

	Europeans	Asiatics.
Bricklayers and assistants	1,066	122
Blacksmiths and assistants	523	30
Barnen	251	37
Brick and tilemakers	98	23
Boot and shoemakers	108	66
Barbers and assistants	118	131
Brewers and assistants	68	27
Bookbinders and assistants	47	13
Billiard markers	53	11
Carpenters and assistants	2,328	196
Cooks	147	457
Coachmen and grooms	92	117
Cycle dealers and mechanics	37	12
Carriers and carters	137	262
Cigar and cigarette makers	11	104
Domestic servants	1,082	2,132
Engine drivers (loco and stationary)	516	57

	8.72 European	Asiatics
Fishermen	109	108
Firemen and stokers	652	257
Hawkers	19	1,487
Jewellers and assistants ..	105	381
Labourers (general)	353	13,799
Labourers (railway)	164	610
Municipal employees	141	543
Messengers	3	99
Miners	208	185
Mineral water manf. and assts.	59	21
Mine labourers	--	660
Painters	661	79
Printers and compositors ..	448	61
Plumbers and tinmiths	356	81
Photographers and assistants	99	12
Porters (Hotel and General)	96	133
Pumpmen (Natal railways) ..	1	32
Pointsmen (ditto)	---	128
Quarrymen	16	56
Tailors and assistants	266	126
Tobacconists and assts.....	47	22
Waiters	100	658

In the face of these figures it is impossible to contend that the Asiatic is not competing with the white man; it is impossible to deny that the competition will not increase as time goes on and the Indian community becomes larger and larger - an increase of 144.88 per cent in the last thirteen years is an ominous fact which the colonists should face fairly and squarely.

The remedy seems hard to find. The Indian Government has always refused to permit recruiting upon contracts which insist upon unconditional repatriation. Yet the only safe policy is to obtain these indentures or else to cease importation altogether. The latter course is a drastic one. The number of indentured male Indians today in Natal is only a trifle over 20,000. The estates, the mines, and the farms still cry out for more men. Requisitions for many thousands have already been granted. But to go on in this way will be fatal to Natal in the long run.

There are 31,000 white children under sixteen years of age in Natal's schools. These future men and women of the Colony will find the competition of the Asiatic stronger than it is today. What experience their children will have one hardly likes to prophesy.

But if the more drastic course cannot be adopted, one more attempt might be made to obtain a different system of contracts in exchange for a more generous treatment of the free Indians in the Colony. In the best interests of Natal it would be wiser to grant the Indians there to-day wider privileges - especially the educated Indians - if by this means one could close the back-door which the British Guiana and Natal contracts involve.

The Indians in Natal today form a section of the population which cannot be got rid of. Would it not be wiser to treat the better class residents as Europeans, if by doing so the eventual influx of thousands more free men - at the expiration of their contracts - can be avoided? It is always wise to accept the lesser evil with as much grace as possible. It is surely the lesser evil to create a class of Asiatics with special privileges; the greater evil to allow the present arrangements to go on until Natal finds that the Indians outnumber the white population almost as much as do the natives today.

Report of the Indian Immigration Commission.

(Colony of Natal) 1909

Chairman W.F. Clayton.

Terms of a inquiry among others:

The advisability of discontinuing or restricting the immigration of indentured Indians to Natal.

The substitution of an alternative labour supply from within Central or South Africa in the event of its being decided to suspend or abolish the further introduction of Indian immigrants to Natal.

In considering this question, regard should be had on the following points:-

(a) The climatic conditions of the Coastal and inland portions of the Colony.

(b) The continuity and reliability of labour and

(c) the requirements of the different classes of industry carried on in Natal.

The question whether the introduction of Indian immigrants has in the past operated in the direction of displacing the aboriginal Native and thereby curtailing his field of labour.

Historical Introduction.

Emigration from India to Natal commenced under Law 14 -1859, in 1860; the first immigrants landing in November of that year, immigration continued until 1866, and then totally ceased. During this period probably the total number of Indian men, women, and children (all of whom were indentured) imported did not exceed 5,000, although there were no definite statistics available at this point.

From 1866 to 1874, when immigration recommenced, the Native labour of the Colony proved more and more unreliable, and the opening up of the Diamond Fields withdrew a large amount of it from Natal. Prior to the discovery of the Diamond Fields a considerable amount of labour was obtained from, Tongaland, Basutoland, and the Portuguese Territory, but these sources failed entirely, and Natal was left to work out its development with its own local supply.

The total unreliability of this was abundantly proved, for in 1874 crops were rotting on the ground, and, though planter and others competed in endeavouring to obtain assistance from the chief they could obtain no labour at any price, and Lieutenant Governor Pirie, exercising his powers as supreme Chief, called out Natives to reap the crops. This was a culminating point to a long series of protests and complaints, and, in deference to the popular cry for the re-establishment of imported labour, in 1874 the door was again opened to India immigration, which has continued ever since. The conditions under which these immigrants came to Natal were certainly adverse to the best interests on the Colony. They were not allowed to go back till they had resided in the Colony 10 years and, after five years service, could become free; and a very large number availed themselves of the opportunity. Very few re-indentured the majority employing themselves to farming, market gardeners, and kindred pursuits. This state of affairs continued, and the free *Indians* population increased year by year, without the Colony obtaining any adequate labour supply therefrom, and in consequence of the insufficient supply, and the increasing demand arising from the development of the Colony, importation was increased. In 1895, after considerable outcry against Indian immigration, Act 17 - 1895 which placed restrictions on Indian colonisation, was passed. This Act which had no retrospective effect, was not promulgated until August 18th, 1896. consequently applied only to those Indians whose indentures commenced after its promulgation. This accentuated the free Indians problem of the Colony; and it was not until 1901, when the first periods of indenture expired, that relief began to be felt under the Act.

From 1901 to 1903 the collection of £3 license, imposed under the Act, was not strictly enforced, but the matter was allowed to drift, with ^{the} regrettable result that a large number of Indians remained in the Colony who would have otherwise returned to India. Since then the imposition of this license, which was not intended as a source of revenue, has been effective to a very large extent, as is evidenced by the statements supplied to the Commission by the Protector of Immigrants, which show that out of a total number of 7,735 Indians who came out of their first or subsequent indentures in 1903 3,000 returned to India.

In 1908 Government introduced a Bill to provide for the cessation of Indian immigration at the expiry of three years, giving an undertaking, before a vote was taken on the second reading, that a Commission would be appointed to enquire into the whole question.

Objection to Indian Immigration "that it had a demoralising influence on National life" The Commission records:-

"Evidence showed that the indentured Indians do not mix with either the white or the Native, but live their own life, and, while they cannot be said to be of high character, they are industrious, frugal, law abiding, and on the whole, sober in their habits., and it has not been proved that their presence has an injurious effect on the morals of the whites, on the ~~other~~^{one} hand or on the natives on the other."(page 3)

"That the actual value of land in certain districts have been very greatly increased by the presence of the Indians as field labourers, and that fictitious values of a few years ago were mostly confined to Municipalities and adjacent areas in the course of general land speculation".(page 4)

State's Obligation to Provide Labour.

That even if it be correct to say that the state is under no obligation to provide labour for private employers, in actual practice such an obligation is recognised, in many places, as essential to the development of the country concerned. Your Commission would draw attention to the importance attached to labour by the Transvaal Government, as indicated by the provisions of the "Mozambique Treaty", and another recent instance which came under the notice of the Commission was that of British Honduras, where in 1908, the Colonial Secretary issued an advertisement inviting applications for Indian labourers.

It appears that in many countries having tropical agricultural industries it is impossible to avoid the employment of imported labour, even when the native population would appear to be sufficient examples of which may be found in Ceylon, Fiji, and British Guiana; but apart from those conditions, your commission would point out that the Natal Government does not supply the Indian labour,

the cost of immigration and all expenses, up to and including repatriation, being borne by the employer, the sole exception being in regard to the Protector's Office, which, from its nature, is necessarily under the Government.

The evidence shows that the demand is made in many quarters that another adequate supply of labour shall be guaranteed, before Indian Immigration is stopped, as essential to the maintenance of the interests of the Colony. (page 4).

Continuity of Native Labour.

As regards a number of industries it was pointed out to your Commission that the labour required was of a higher order of intelligence than that possessed by the ordinary native, and the native habit of not working continually, but for short periods only, and then leaving work to return home, militated against his becoming efficient, and tended to the disorganisation of industries

Widespread Employment of Indentured Indians.

There exists a general impression throughout the Colony that Indians are being used to supply one or two particular industries to the disadvantage of the Colony in general, but the figures show that the employment of Indians is widespread, there being 2,429 employers, the indentured Indians being distributed as follows:-

General Farming	6,149
Sugar estates	7,006
Coal Mines	3,259
Tea Estates	1,722
Natal Government Railways	2,371
Domestic servant	1,949
Corporations	1,062
Brick Yards etc.,	740
Wattle Plantations	606
Landing & Shipping Agents	422
Miscellaneous	<u>313</u>
Total	25,569.

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Abolition would cause Industries to Decline.

Absolutely conclusive evidence has been put before the Commission that several industries owe their existence and present condition entirely to indentured Indian labour, and that if the importation of such labour were abolished, under present conditions these industries would decline, and, in some cases, be abandoned entirely. These are:- Sugar, tea, and wattle growing, farming, coal mining, and certain other industries in which a considerable amount of unskilled labour is required. (page 4)

Unreliability of Native Labour.

Your Commission has evidence from almost every witness of the unreliability of native labour, even from those who use it as far as possible. Continuous labour is not habitual to the native, he works solely for his immediate requirements, and, in this connection it was frequently stated in evidence, that the higher wage the native is paid the sooner he leaves his work, and further, that the comparatively few instances where natives have been continually employed, and in consequence comfortably off, appeared to have exerted no influence on the minds of the other natives in the direction of inducing them to work. (page 4)

Abolition of Indians would Accentuate Native Labour Difficulty.

In regard to the want of continuity of native labour, evidence was given that, were Indian immigration abolished, it would require at least two natives to perform the work done by one Indian on account of the short time during which a native works, and also, that directly abolition took place, competition would inevitably arise for the services of natives to replace the Indian labour, possibly sending up the wage rate to an prohibitive figure, and in any case accentuating the present insufficiency of native workers. (page 5)

.....notwithstanding the presence of the Indian as a labourer, the native is able to find all the employment he asks for and that, therefore, as stated by almost all the witnesses examined by the Commission, the introduction of the Indian has not, in the

past, operated adversely in the direction of displacing the aboriginal native and thereby curtailing his field of labour, but, on the contrary, that the native can always obtain employment when he wants it, and that the expansion of industries, made possible by the presence of the Indian, has provided the native with further openings.

Expansion of Industries.

These considerations apply, not only to existing industries, but your commission has met with signs of industrial and agricultural expansion on every hand, and has been much impressed with the signs of general awakening to the value of the resources of the Colony. Such expansion must, as a matter of course, be seriously hampered if not altogether checked, by any untimely interference with the supply of labour.

Your Commission therefore is convinced that a supply of indentured Indians is absolutely essential to the industries specified in clause 4 hereof (list given on notes page 5) (page 5)

Problem Solving Itself.

Your Commission views with satisfaction, from the evidence, the increase in the number of Indians returning to India, and the number re-indenturing, thereby reducing the number imported, and feels assured that a continuance of this state of affairs will gradually cause the cessation of the settlement of time-expired Indians in the country. In this connection it may be stated that although 6 per cent, representing some 450 of the Indians who came out of their indentures in 1908, elected to become free, your Commission finds that 1,233 of the old free Indians re-indentured under Act 42, 1905, thus regaining their rights to a passage to India, and tending to a further reduction of the actual Indian population. As a matter of fact the total Indian population for 1908 was below that of 1907, by 301, which indicated that the tide is already turning.

Free Indian Population.

It is essential to bear in mind that there is a large Indian population in this country, estimated at 61,441 men, women and

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children, who have become permanently resident in the country and cannot be interfered with in any way by any legislation that might be instituted dealing with the further importation of Indian labour

Benefit of industries to the Colony.

"A far greater number of Europeans with their families dependent on them are obtaining a livelihood, directly, and indirectly owing to the employment of Indians than would have otherwise have been the case, and were any action taken to interfere with this labour supply, great hardships would be caused to them, and in many cases they would be deprived of their means of earning a living. (page 10)

Conclusions.

"Having after very careful consideration, come to the conclusion embodied in this report, your Commission cannot, in the interest of the Colony, recommend that the importation of indentured Indian labour be discontinued".

Alternative supply of Labour.

Applications were made to the Portuguese Consul, Captain J.M. Rosa, and the Administration of British Central Africa but were unfavourable. The latter authorities wrote as follows:-

"I do not consider it probable that natives from this Protectorate would be willing to go to Natal. The wages offered there would not be sufficient to induce them to undertake the long journey and service in a country where the conditions of native life and of climate differ so much from what they are accustomed to. Natives are not allowed to leave this Protectorate under engagements for services, unless the system of engagement and supervision is carried out by the Government of the Colony in which they are to be employed. Also, as regards term of service, Natives who have hitherto proceeded to the Transvaal have not undertaken service for a longer period than twelve months, and I should not be inclined to approve of any lengthier term, in view of the domestic difficulties created by long residence abroad" [Page 8].

THE NEGLECT OF NATAL

The white man's loss.

The study of the recently issued official literature of Natal leaves a somewhat saddening impression of lost opportunities.

One has heard much in the past of the enormous growth of the Indian population of the Colony and of the danger of the white man being displaced by the Asiatic. But there is another side to this serious problem of the Indianising of South Africa's Garden Colony. It is this. Has the white population done its duty by the land entrusted to it? Is Natal - the most British of all the South African Colonies - as good an example of the energy and enterprise of our race as it might be? May it not be that the Indian is simply taking advantage of opportunities which the lethargy of the white population has neglected?

It is true that this is a question that might with more or less pertinence be asked of all our Colonies in South Africa. But it can be addressed with special force to Natal, because Nature has favoured her beyond the others.

Of course no one would suggest sending newcomers to South Africa at the present time. The solemn warning issued by the Rand Aid Association could be truthfully echoed by the Coast Colonies. The sub-continent has already more white men than she appears able to absorb. But has she done, does she do, her utmost to maintain them all? Does she go about it in the right way? Consider the case of Natal - not the Natal of the hurrying tourist or of the imagination of the emigration agents in London, but the Natal of sober official publications issued from her own press in Maritzburg.

Consider a few figures. Natal covers twelve million acres of land, and over seven million acres are owned by Europeans. The varied climate and soil make it suitable for many economic products. True, the amount of land which can be cropped year after year may not be as great as one would suppose. But what has the white man done to develop it? Roughly, half the entire population of the Colony resides in the two towns of Durban and Maritzburg. This huge stretch of country of twelve millions of acres has only 3,200 farmers, and the European population of the purely rural

districts is only 23,000, or an average of two persons to the square mile of land owned by European landholders. Obviously here is space for the white man. Can it be the climate which is the obstacle? By no means. Mr. Maurice Evans, who has known Natal for two decades, says:

"All the manual labour on the up-country farms is done by natives or Indians, but not for any climatic reasons or on account of any physical conditions. The up-country climate of Natal is a magnificent one for Europeans; the adult can enjoy perfect health, and families of children are reared as healthy and strong as country children of Northern Europe. Manual labour on the farms could well be done by Europeans to the benefit and not detriment of their health and condition. The reason why this is not done is social and racial, and would probably rule if Natal and her present proportion of blacks to whites was situated 50 degrees north latitude instead of 30 degrees south. The white man will not work alongside or even terms with the native or Indian: we must accept this fact as one unlikely to be altered, and in speaking of the present state of the country take it as an axiom".

Mr. G.B. Lloyd, formerly Commissioner of Agriculture in Natal, and other contributors to the latest edition of "Notes on Agriculture in Natal" (a Government brochure drawn up for possible immigrants), also agree on the excellence of the climate. Thus two points are settled - ample space and suitable conditions.

But is there a market for the white producer? Few agricultural people in the world have a finer market than Afrikanders. Here are a few of the products which arrived at Durban in 1904 from overseas:

Goods	Value
Cheese	256,106
Butter	230,656
Eggs	7,778
Frozen Beef	468,121
Frozen mutton	366,848
Frozen Pork	88,168
Milk	152,473.

In 1903 foodstuffs valued at £2,532,937 were imported in Durba

Of course the greater part went overboard to the Rand. But the point is this. The agriculturist of Natal saw £2,532,937 worth of feedstuffs enter the Colony, which the Colony is capable of producing. Here is the market.

I wish to be absolutely fair. I admit large tracts of Natal are difficult to cultivate, that disease is often a serious handicap that labour is expensive and inefficient. But this is not enough to acquit the British people of Natal of a charge of apathy. Why is it that so little has been done to capture part at least of this trade and to fill up Natal with a healthy and comfortable if never wealthy white population?

And how is it that of every 100 acres of land in Natal only 7½ acres are under crops? How is it that there are only 39 white cultivators to 3,031 Asiatics? And 103 white farm labourers to 16,142 Indians? And 39 European fruit farmers to 700 Asiatics similarly engaged? How is it that the recent census returns show only 7,346 Europeans under the head of agriculture to 32,436 Indians?

I would give two reasons. First the land problem, second the lack of scientific methods on the part of the people. The first difficulty is that the land is not sufficiently sub-divided. Too many owners have such huge tracts that they can draw comfortable incomes simply from native hut rents without doing the slightest thing to make two blades of grass grow where formerly there was one. It may be that small holdings would not pay in Natal - by small is meant from 30 to 50 acres of decent land near a railway - but Mr. Lloyd, whom I have quoted, evidently thinks they would. But look at the position. "There are", says the official report, "cases in which single proprietors own upwards of 30,000 acres of land each. The rural estates of one land company extends to upwards of 400,000 acres." On much of this land there is no attempt at cultivation along European lines. "Many farms in Natal", to quote Mr. Evans once more, "are owned by English companies, non-residents, and many belong to Natal men who are plural owners and simply draw heavy rents from the natives they allow to squat on their farms". Absentee landlordism is an evil in Natal as elsewhere. But a Legislature composed of the farming interest will not act.

Secondly comes lack of scientific methods. Farming in Natal is thus described in the recently issued report of the Industries and Tariff revision Commission:

"Farming in Natal as properly understood in these days is at the very beginning of its career. If the land and climate combined are to have a fair chance of yielding the latent wealth with which Nature has endowed this fertile Colony, then the primitive methods of the past must be abandoned and new ones must be adopted on approved lines".

Evidence was brought before this commission of the enormous carrying capacity of the land if only treated on proper principles. But the most isolated Indian raiat is not more conservative and hard to move than a certain class of Colonial farmer. All over South Africa is found this lack of science, these rough ways. They spoil Colonial fruit, they handicap Colonial wool, they make it easier for the butcher to deal with imported meat. Experimental farms do what they can, Government scientists are slowly fighting disease. But with all respect for the Colonial farmer, would the Americans have allowed South African agriculture to remain in the embryo state it is to-day and seen millions of pounds of feedstuffs brought thousands of miles by sea to feed a population of less than a million whites who have many millions of acres of land to draw supplies from?

But there is another serious phase to the problem. Natal has 31,500 white children under 16 years of age. What is to become of them? They cannot all be clerks to the forwarding firms at Durban who pass up-country the imports Natal ought - partly at least - to produce. Daily the Asiatics creep upwards. The sons of the plantation coolies are not coolies. Gradually there are more Indian farmers, fruit-growers, engine-drivers, mechanics, store clerks, railway hands. It is a poor outlook for the Garden Colony of South Africa if the British population do not do some of that "manual labour", the need for which is in these publications so strongly impressed upon intending immigrants.

One knows well the excuse of land which cannot be cultivated at a profit, of the difficulties of finding feed for the cattle, of the hail-storms, the disease, the hundred and one things of

of complaint so common to agriculturists all the world over. But official pamphlets do not support these apologies. The Census Committee rather suggests that "land owners are not encouraging useful employment on their holdings".

One thing is certain. If the white man does not cultivate the land, as he has in America and other parts less favoured than Natal, someone else will. If the Natal farmer is content to sit on his stoep watching a ^{few} kaffirs scratch the ground whilst the bulk of the people live on condensed milk, Australian meat, and Canadian butter and cheese, the Indian will at least try to do better, and if he succeeds, he deserves to possess the land - as perhaps in the end he will. But an Indianised Natal will add little to the strength of the future South African commonwealth - indeed will probably not be allowed to form part of it. If the Indian wins it will be mainly due to the apathy and false pride of the white man. With its huge native population, South Africa may never be a white man's country in the Australian acceptation of the world. But there is no need to hand it over as the heritage of the Asiatic because the white man selfishly hoards up the land he will not cultivate himself. Can it be that as colonists we are losing something of our vigour? Or is it that that lethargy which is visible everywhere where the black can be made the hewer of wood and the drawer of water cannot be shaken off? This is the problem which many people make light of. But it is the problem which cannot be avoided. Upon its solution depends whether Natal will be a true British Colony supporting a large white population or simply a magnified British Guiana.

The white man's loss is the Indian's gain. What that gain is will be considered in another article.

A European's views.

Writing in the Times of Natal recently, Mr. Henry Gaskell says:-

Statements have been fired off in regard to Indians which in no way admit of proof, and in many instances are deliberately misleading. I remember a statement made by a prominent member of our Assembly which was promptly challenged by the Indians of Johannesburg, and a justification of that statement has not been accepted since albeit that was over a year ago

There is a danger that the colony will be too concerned with inter-colonial questions at the time when the Government Bills to restrict the issue of licenses to the Indians shall come under consideration by the Assembly, and because the European community is clamouring for the enactment of some such legislation, possibly these Bills may be passed. In these circumstances I feel that another effort is due to me to prevent what, in my opinion, would be a disastrous step to oppress the Indian, and put on the statute book a law which any of us would resent if enacted by the Indians or any Asiatic in his own country to apply in the same manner to the Britishers. Now in this 20th century of our civilisation men's minds can conceive such devices and place them before the public for serious consideration passes my comprehension, and if these Bills become the law of the colony, it will be with the deepest regret, and as a blot on our national escutcheon, that I should regard the occurrence.

The Government proposals are first to prevent the further importation of indentured Indians after a fixed period, second to prevent the issue of licenses to fresh applicants, and third to prevent the issue of any licenses after a period of ten years.

With the first of these proposals I am in agreement, since I consider that the act of importing thousands of Indians and at the end of their indenture to dump them down in our midst without regard to the comfort or health of the people already present in the Colony, is just a brutal act as that of Surajah Dowlah, who crowded over a hundred people into the "black hole" of Calcutta, and left them to suffocate. Our legalised form of over-

crowding, however, is much more subtle, and therefore more treacherous. With this intention of the Government most of the Indians of the colony will be in perfect agreement; in fact, they have already signalled their opinions by presenting memorials against the further importation of indentured labour.

The second and third proposals are practically the same, and are directed to bring the extinction of the Indian as a trader in Natal, whether he be fitted to trade on the best lines or not. Very probably the idea of stopping the issue of licences to Indians was suggested by the discussion of the former proposal to prevent the further importation, but an entirely different principle is embodied in each. The first is to guard against overcrowding people in a country before the resources are sufficiently developed to support them, the second and third are directed against the Indian himself. The former is just and humane, the latter the outcome of prejudices and defeat.....

The importation of indentured labour was first strenuously protested by the Labour Party at the last general election, and Mr. Nelson Palmer was careful to explain that his objection to the indentured labour applied to all forms of imported labour. The proposal to stop the issue of licences was not thought of until the fertile brain of Mr. Ralph Tatham, the then leader of the Labour Party, drew up a Bill on these lines in order to carry favour with a section of the community which, hitherto, had withheld its support from his party

He urged that under the existing law the municipalities had a perfect right to refuse the issue of licences to Indians, and this constituted the sole justification (if justification it may be called) for urging municipalities to take this course. But whether this power remains to a township or not, it was never clearly given to them to exercise in the wholesale manner suggested, but merely to guard against the issue of licences to undesirable persons, European and Indian alike

To merely claim that we can perform an act is not an argument that we should be right in doing so, or that justice was the mainspring of our action.

The Government now wish to make such a law as will demand that we refuse licences to Indians, whether it be just or not.

As in the first instance the proposals were advanced to carry favour, there see me no other explanation for the present action of the Government than that they feel their position to be insecure, and they are anxious to prolong their term of office by enlisting the support of the storekeepers. Or they may have been bullied into supporting Leá is Betha in order to strengthen the hands of the Transvaal in the attitude that State has adopted.

We hear a lot about our duty to the native as belonging to a lower order of humanity, and as being in want of our guidance and control, or help and encouragement, and what applies in this instance to the native applies in the same sense to those we have brought to live in this country. For whether it was right or wrong that they were brought here in the first place is no part of the question, the fact is they are here, and being here our colony's legislators are responsible that justice be meted out to the Indians. It may be said that shirking our responsibility in the first place towards the native, neglecting to offer encouragement to him to take part in the labours of the country, shelving him and our duty, and importing Indians, has been responsible for the more difficult problem with which we are confronted. And now angered in consequence of our former folly, with an outward wrath for an inward shame, we would inflict an injustice upon him who is innocent of wrong towards us

I had thought that these Bills were impossible in a civilised country, much less the riots and plunder that takes place against the Asiatic in British Columbia, and what happens now in Vancouver may happen here in Natal. And who knows where riotous conduct will stop? There is sufficient evidence of lack of judgement, and greater in proportion than in the earlier times, seeing that civilisation and enlightenment are farther advanced. In these earlier times the objection raised against the Jew were commercial, but persecutions were carried out under the cloak of religion. Today the oppression is in consequence of commercial objections, and is being festered by race and colour prejudice.

The proposed Bills indicate that the welfare of the Indians is not a concern of this Government, and if he chooses to accept the most degraded form of living, is no matter, so long as he may not compete with our European storekeepers. Suppose we carry the principle embodied in the Bills a step further and refuse him the right to compete with the farmer, and then in ordinary labour, we should have on our hands a starving population, and we should have either to shock humanity by letting them starve, or bear the brunt of Indian ill-feeling engendered towards us in consequence of our brutal action. Yet the carpenter or the bricklayer has the same right to complain of Indian competition and seek redress in the same manner as the storekeeper. Are we going to admit that right? We see then that the principles contained in the Bills cannot be pushed a step farther without disclosing its injustice and bare-faced oppressiveness.

But these remarks about freedom and expression may not weigh with some people, and unless an argument is couched in such terms as are deemed practical politics, the justice or ethics of a question is entirely ignored. Yet when it suits some people to talk of British ideals to strengthen an argument against the Militia Act, or other circumstances, we have loud enough trumpeting about injustice and interfering with the liberty of the subject, of conscientious scruples, that there is reason to wonder whether people are genuine who at one time have scruples and another throw every scruple aside to make a point.

Let us suppose that the Bills are passed, and that ten years have elapsed and the fullest effect has been given to the law. We shall then have a large number of Indians out of employment. Some number of these may retire to India, the majority, however, will be thrown into competition in every other industrial occupation. The ranks of unemployed artisans will be swelled by numbers of Indians seeking service in their trade, and they will be prepared to offer their services for a much lower figure than the European artisan could accept. Don't think for a moment that the storekeeper will be kindhearted enough to pay more to a European when he can get it done for less by an Indian. Other Indians will go on to the land, and compete with the farmer; some will go into

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offices, and the present competition with the clerk will be greatly increased. So that though we may lessen the competition with the storekeeper who takes out a licence, yet we increase the competition in every other branch of industry. We have not moved one whit of the competition from the community as a whole, and everybody but the merchant is taxed in order to bolster up the latter's position. To remove competition from the community as a whole, the only course is to adopt is that suggested above, to make it illegal for Indians to do work of any kind.

Enough has been said to show that the principle of the Bills is unsound, and that they will not fulfil to the community what has been expected of them. Yet I am in perfect accord that the present state of affairs cannot continue, or rather should not continue, but that it is a menace to the welfare of the colony; but I differ first in my conception of what the real state of affairs is, or the nature of the Asiatic problem; and, secondly, in regard to the measure that should be adopted to bring about a change.

I consider the Indian in Natal as occupying a position in our social system equivalent to that of the labour classes in England, or for that, in any civilized European country, and many of the latter may, by industry and perseverance, rise to comparative eminence by becoming perhaps shopkeepers or something else above their former position and occupation. So with the Indian's in Natal; They perform generally the labourer's work, but some become merchants. The large majority however, like the English labourer, are doomed to serve in conditions in which they are born. But would the British public think for one moment of introducing legislation to prevent members of the labouring class from becoming shopkeepers if they were able, or if they choose to be so? The same argument might be used against them that they existed under squalid conditions or that they did not spend money in proportion to their earnings. On the contrary, instead of railing at the labouring class for indecency of dress or for living in dreadful insanitary conditions and thereby constituting a general menace to the general health of the community, we have the British public doing what they can to improve those conditions. We have them insisting upon landlords pulling down unhealthy buildings, and building a-fresh.

But this has not turned out to the advantage of the labouring class in every way, for when the landlord spent more money on his building he charged more rent. So we had the labourer obliged to live under better conditions for health, yet earning no more, and not able to pay for his higher standard of living.

We may see then that though the labouring classes at Home and the Indians out here live under foul conditions, they are not altogether to blame for the state of affairs, when their standard of living is limited to the extent of their earnings, or rather should it be called rate of pay.....

I should like to quote one instance, which is not altogether singular, and which I was able to inquire into. It is the case of an Indian woman, over 70 years of age, whose husband and only son had died. She made a living by selling bones and bottles which she collected about the town. Some days she earned (no, earned is not the word)- she received sixpence, some days threepence. Seldom was it above thr eepence ,however, and often her strength was not sufficient to allow her to work at all. Not for a very long time had she made £2/- a month. She lodged where friends would allow her a place to lie down, and as each became tired, off she went to another. She slept without blankets, and with no other covering than the few rags which served to clothe her in the daytime in compliance with the law. One day she received sixpence for her labour, and a friend where she had sought lodging rather too often was trying to squeeze threepence out of her for accommodation. As the old woman sat with her back against the wall pleading the hardship of her case she died. Here we had a woman over seventy years of age, working to the last at a filthy occupation, and dying within a few hours of the end of her day's work.

Was that not a hardship, And yet I say this case is not singular. And can the people of this colony light-heartedly increase the competition among such people as these in order to make it easier for those who are better able to bear the burden? And as hard as their lot is, are they not peaceable and law-abiding? We appear to be disinclined to listen to the story of the hardships of the poor in this country because generally they are of another race and colour.

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The methods adopted for dealing with both the poor European labourer and the Indian in Natal are not efficient, and will bring about no solution of the problem as it now exists. It is no good building better houses, or demanding that they live in less squalid conditions, until we have created the conditions under which they will be able to get more pay for their labour. The remedy which I have to suggest will not only go a long way to solve the poor problem, but will also be an efficient remedy for what is termed unfair competition with the European merchant. I admit there is a degree of competition which may be termed unfair, and that is when it is pushed to the extent of grinding down the hired servant (whatever his calling may be) to conditions under which a proper standard of living is impossible to be maintained. This is called "sweating" and it is because the Indian is usually the "sweater" intruder in this colony, because he pays the lowest wages to his servants that his competition becomes objectionable to the European storekeeper. But the practise of "sweating" in Natal is not confined solely to the Indian storekeeper, but is present in the cases of some industries controlled by Europeans, and in fact all who employ Indians at a low rate of pay, with which they are unable to maintain a proper standard of living, are "sweaters". The only remedy for this is to fix by law a standard wage which, though it may be exceeded for exceptional efficiency, must not be lowered under any circumstances. The Indian and European alike who did not pay a proper wage to his employes should immediately have to cease business. The standard wage could be fixed on a graduated scale to provide for the difference between skilled and unskilled labour. In these circumstances the Indian would be brought into line with the best class of European storekeeper in point of the wage he had to pay his employes, and would therefore be less a source of danger as an unfair competitor than at present. The Indian would have to show the same capacity to manage and control, a business that characterises the European manager, before he could become a serious competitor, and in these circumstances his competition would be a healthy stimulus. By this course we

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would be applying a principle applicable to all without respect to race or colour, and far from it being oppressive we should be making the just demand, that before anyone could take out a licence to carry on a business, it shall be obligatory on his part to pay his employes a just and reasonable wage. This I contend, would be a sound principle on which to base the laws governing the issue of licences, and one calculated to bring about an improvement in our social system, and to require a greater necessity for individual efficiency, and in the interest of European and Indian alike.

What, though, if these Bills are passed and become a law in the colony, for whom would it be an advantage.

Another force will be at work whereby the colony will be denuded of its European population. For since the European storekeeper objects to his Indian competitor it must be in consequence of the latter underselling the European. When, therefore there are no Indian storekeepers the prices of goods will go up. But will tradesmen's wages go up? We have already seen that they are going down, and that there is every indication that they will go down still more. The European tradesman then, finding his wage go down, and prices go up, will decide that Natal is a good place to be out of.

On the practical side of things we have now seen that whilst these Bills, if they become law, may prevent competition with the merchant, they will increase competition with everyone else. Whilst salaries and wages have a tendency to go down, the prices of living will go up. We have seen that proposed legislation offers no solution to the problem of the poor, and that it will remove not one whit of the squalid conditions at present obtaining; it is unjust and can only become a blot upon our national escutcheon; it will have the effect of driving Europeans away instead of keeping them in the colony. Is it necessary to urge anything further of the "practical" description than this against these measures?

We have the Indians here, and if we could afford to send them away, it is doubtful if India would allow us to increase their problem of the poor already existing there, by dumping down another 100,000 souls. There seems no way of getting rid of them, and if we

wish them to be beneficial or helpful to the country, if we wish them to remain law-abiding and peaceful, we shall have to see that they are governed with justice.; and we must let them feel that the Italian means to help them to improve their ways and conditions, otherwise they will become discontented and probably recalcitrant. But as surely as we would be unjust towards them, or any section of the community, so surely will misfortune wait upon us, an inevitable retribution for our oppression.

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ANTI -ASIATIC CONGRESS

The South Africans' League Congress on the Asiatic question assembled at the Council Chamber, Town Hall, last Friday. Mr. Roy Rathorn occupied the chair, and Mr. W. J. O'Brien, M.L.A., and Mr. Cox M.P.W. supported him, whilst there was a large attendance of about 100 delegates.

Mr. O'Brien apologising for the unavoidable absence of the Mayor, extended a welcome to the delegates from the people of Maritzburg. He assured them that the question they were about to discuss was one of the most important of the day, and he hoped their efforts would be crowned with success.

The Chairman thanked Mr. O'Brien for welcoming them on behalf of the Mayor, and expressed their pleasure at seeing him present.

The Secretary read letters of apology from Messrs. J. H. Nicholson, M.P.C., Edward Saunders, M.L.A., James Henderson, M.L.A., Walter Greenacre, M.L.A., and many others, for non-attendance.

The Chairman expressed the pleasure it gave the Committee of the League to see so many delegates present. He emphasised that the South Africans' League was not connected in any way with any existing political party, and its only object was that of keeping South Africa for the South Africans. The idea that nothing could be done to alleviate the position with regard to the Indians was just as wrong as the idea that the Indian could be thrown out neck and crop.

But the League's view was that everything possible should be done, and that their existence as the dominant race was being seriously challenged by the Indian menace. They must let all South Africa know that they would insist on the question being treated with firmness, and he thought that this movement would prove to be one of the most successful in the history of South Africa.

It was no good blinking the fact that they were faced with great difficulties, particularly in regard to the Indian born in Natal. The League had no intention of denuding the sugar industry by denuding it of its labour at one gasp, but they did want ~~measures~~ to get legislation passed in connection with burning matters such as trade licences. He counselled moderation combined with firmness, and added that the Durban branch had been the most active branch of the League

in Natal, but warned them that there was a good deal of public opinion in Durban that needed educating up to the importance of the question.

Mr. Phillips, Chairman of the Transvaal South Africans' League, addressed the gathering, and said that he thought it was high time Natal woke up on this question. It was computed that there were nearly 200,000 Asiatics in Natal to-day, which meant that already the European population was outnumbered, and this was a fact which was scarcely realized in other parts of South Africa.

The question was, he declared, least of all a trading question but stood on a far higher level, and he advised them to look above the trading aspect, and appreciate the significance of the question as a whole as it concerned the white race of South Africa, and the destiny of the country. They were gathered together now to decide whether South Africa should remain a white country or whether it should become one in which Asiatic was predominant, and this result would come about in less than 50 years unless they took definite steps to prevent it. The question therefore was simply one of self-preservation for the Europeans, and if that was racialism, then they were all racialists. Let them consider the future of their women and their children. They had to convince the Government that the consequences were serious, and they had to convince the Government of India as well as the Government of South Africa, for its own preservation, could not brook the continued presence of a vast Indian population. They also had to convince the Prime Ministers of the British Commonwealth who were meeting in London in July.

He hoped that the result of this Conference would be that before July another Conference would be held representative of all the Provinces of the Union, so that General Smuts could be made to understand that "comforting assurances given in London do not represent the feeling of South Africa", and that he (General Smuts) would be able to go to the Congress with direct instructions from the white population of the Union to say that they were determined that Western civilization should not be ousted in this country.

There were 500,000,000 white people in the world, 400,000,000 of whom resided in Europe. During the war that population had been decimated, not amongst the old men, but amongst the men between 18 and 30

the potential fathers of the next generation. White civilisation was staggering under the blow, and the Eastern races were fully alive to the fact, with the result that the Jap to-day had his eye on South Africa as well as South America. He thought it the duty of all white men and women to make themselves acquainted with the movement that was going on among the yellow races. Japanese newspapers for the last few years had been filled with propaganda to the effect that Japan's mission was to expand. If ever the yellow races awoke to that extent, what would India do? If South Africa was so false to herself as to sacrifice her destiny in the needs of India, then she did not deserve to remain white, and the destiny was before them to decide to-day.

Mr. Phillips concluded a telling speech by earnestly warning his hearers of the dangers that lay ahead, and urging them to do their utmost to maintain white supremacy.

Mr. J. Hunter, General Secretary of the South African League, began by expressing his regret at Sir Abe Bailey's absence and that of Captain Leslie Blackwell, whom he hoped would attend before the end of the Congress. He proceeded to trace the history of British civilisation in South Africa, which had largely spread through the instrumentality of trade. To-day there was no hope for a young man with a little capital gaining a footing as a trader in the country, chiefly through Asiatic competition. He was not entirely satisfied with the representation of Durban at the Congress, and passed severe strictures on the attitude of the Natal Retailers Council.

Throughout Natal he found everyone anxious to accept the propaganda of the League, and only waiting for adequate leadership, and he warned them not to expend all their energies on noise, but to work until the menace was removed.

After an adjournment for tea, Mr. Cox pointed out that the Congress comprised representatives from every class of the community.

Mr. G. H. Kulett, M.P.C., at the Chairman's request, sketched the history of the original Asiatic immigration, which, he said, began at a time when the labour at the Coast was almost unobtainable, and the Indian was brought in under special regulations. He outlined the various laws which had governed the question, up to the time when

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Gandhi's agitation had induced the Union Government to repeal the law passed by the Natal Government. The Natal-born Indian would not now go into service, but was drifting into the towns and coming into direct competition with the Europeans.

The question of Asiatic trading had exercised the minds of Natal politicians for many years, and various attempts had been made to control the growing evil, but not altogether successfully. The appointment of one Licensing Officer for the Province had not had the desired effect either, and that official's decision had almost always been set aside when appeals were taken to the Supreme Court, with the result that the Licensing Officer now granted most application that came before him.

He did not think that the Arab trader had come to Natal because of the presence of the working Colic, and he instanced Delegation Bay and East Africa where Arab traders abounded, in spite of the fact that there were no Indian labourers there. If they turned out every Indian labourer from Natal to-morrow, the Arab trader would still remain and become a greater competitor with the European trader than ever.

Open discussion followed, and in answer to a request, Mr. O.R. Nel, who claimed to be a "son of the soil" and a descendant of the old voortrekkers, said that unless the public was awakened, the Asiatic would have control of the economic and political life of Natal within 50 years. The Asiatic had no conscience, and he, (the speaker) had never met an Asiatic whose integrity was beyond reproach. The Asiatic would one day have control over the whole business of Natal, and he wished the Durban merchants would see this.

The Indians were organising, and it was certain that very soon they would obtain full political rights. There was a solution to every problem, and they must band together to find the solution. He was not an extremist, but he felt that the first step was to prevent the India from acquiring fresh land in the country. In 1910 there were 311 Indian retail licences in Natal, and in 1920 there were 573, and for that state of affairs he blamed the Provincial Council.

The best statesman Natal ever had was Mr. Harry Escombe, who introduced the system of Local Option, a system which the Provincia

Council in their wisdom, and foolishness, had abolished. He instances the locations, where segregation had taken place and the Indian had been forbidden to trade, with the result that to-day trade in the locations was in the hands of the white man.

The people of Nottingham Road, he said, were supporting an Indian, with the result that white traders could not succeed there. Nottingham Road people were in a position to support white trading but they did not do so.

In South Africa, they could bind themselves with Australia and ~~and~~ Canada, so that in the event of friction ever arising on the question between the Union and Great Britain, other dominions would give their moral support to South Africa.

Mr. Lee MacGregor, representing the Durban and South Coast Branch of the League, pointed out that the biggest enemy they had to fight were those Europeans who, false to their own race, were standing behind the Asiatic and helping him in the struggle. The credit for taking the initial step in this movement rested, not with Natal, but with the Transvaal.

He blamed the Durban Municipal authorities for employing Indian constables on point duty instead of Europeans, whilst the encroachment in clerical occupations during the last few years had been very marked in Durban. This was not only an economic but a social and moral danger, and they had recently had striking evidence of the truth of this assertion, where Indians had been placed in close contact and in superior positions to European girls.

Mr. Gandhi was looked upon almost as a deity by the Indians over here, and there was a dangerous agitation going on amongst them to-day. In Durban in 1910 the Indians had 58 licences, in 1920 they had 110, both wholesale and retail. There were 1,156 Indian hawkers alone in Durban to-day, and this showed the alarming extent of the increase, and there were 200 stores in the neighbourhood of Durban. From 1888 to 1889 Indians owned £20,000 worth of property, from 1898 to 1899, £215,000 worth, and in the last two years in 1918-1919 they owned £652,880 worth, and in 1920-1921, £940,051, and these figures which were supplied by the Estates Department for the Borough of Durban, did not represent the intrinsic value of the property to-day.

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In one Durban ward alone Indians owned over half-a-million pounds of property, and in two more they had doubled the property they held in two years, and this encroachment was not confined to the slums, but embraced some of the best parts of the Berea. Indians were willing to pay almost any price to obtain a footing in a good district in the sure knowledge that the value of the surrounding property would deteriorate and they would afterwards be able to acquire the remainder at a low rate.

These Indians were never indentured but came originally with the object of supplying the needs of their own people. Unfortunately they have long gone beyond that object, and the native trade had now passed into their hands. During the last six years the Asiatic had strengthened his hold on the country, and was now catering for the European trade. Their goods were certainly cheaper, but they profited more than any other class, for their cost of living was far lower and the rate they paid their employees smaller than that of the European trader.

He hoped that the result of the Congress would be to thoroughly arouse public opinion to realization of the danger that confronted them. In California, were they were faced with a similar problem, they had a League called the Asiatic Exclusion League, and they wished that they in Natal would be equally honest and give their League a similar title. It was a good sign to see so many of the representatives of the farming community present, but he warned them that segregation was not sufficient.

Mr. A. P. E. Carter, of Ladysmith warned the Congress of the dangers of intermarriage between the coolies and Native women and mentioned an instance of a coolie whom he knew to be married to a European woman.

The secretary then read further apologies for non-attendance from Sir Geo. Leuchars, M.L.A. Mr. J. W. Moore, Mr. Mackeurtan, and Captain Blackwell.

Mr. J. W. O'Brien then submitted the first resolution: "That this Congress resolves to resist the uttermost the demands by the Asiatic for full civic rights".

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He paid tribute to Mr. Phillips for his long speech, and said that in Natal they owed a duty to the rest of South Africa, for it was here that the menace had been first introduced, which was likely to become a running sore in the body political of South Africa.

The past 30 years had been the most fateful in the history of the world, for it had witnessed the awakening of Japan, and her defeat of Russia. The Asiatic menace was now becoming a world problem, and South Africa was peculiarly open to the inroads of any conquering people. Without being unjust let them be fair to themselves and the European population of the country. Passing the resolution was not enough, let them go further and see that it was carried out.

Mr. R. L. Darby, of the Durban Branch of the League, seconded, and said that in Durban at least one member had been returned to Parliament through the Indian vote, which was a deplorable state of affairs.

Mr. G. H. Hulett, supporting the resolution, mentioned the fact that at Stanger, the Asiatics to the number of 223 outvoted the Europeans, and got possession of the Township. Unable to run the Board themselves the Indians had solicited the seven Europeans, and returned them all on an Indian ticket. Let them tell the Indian clearly that they would not let them vote in South Africa, and if they did not like it let them go elsewhere.

Mr. J. S. Marwick M.L.A. pointed out that in the Cape the Indians resident there could exercise the franchise already.

He thought that some reason for the desire to exclude the Asiatic should be given in the wording of the resolution. The greatest potential danger lay in the extent to which the Indians outnumbered the European, and not in the trading question.

The meeting then adjourned until two o'clock.

On resuming at two o'clock, Mr. Marwick moved that the addition of the following words at the end of the original motion:-
"And to request that the disqualification embodied in Act No. 9, of 1896 (Natal) against the exercise of the franchise by Asiatics in a European directorate shall be amended as not to be affected by the possible grant of elective representative institutions in India".

Mr. Selke seconded, and Mr. O'Brien accepted the addition, and the amended resolution was then carried unanimously.

Mr. W. Cox then moved: "That this Congress urges upon the Government the necessity for immediate legislation prohibiting the purchase of land and house property by the Asiatics".

Speaking to the motion, Mr. Cox said that the question "Is it right" was one which most people would ask, but if they felt that it was a matter of self-preservation, then the question was answered. He went on to express his disappointment at the lack of response by clergymen who were invited to attend the Congress, particularly as the Indians were cultivating a feeling of antipathy towards the British Empire, and were also proselytising Natives and making the Mohammedans. In justification of this he instanced Dannhauser where there was a European community of only four, and the Indian merchants had possession of the place. A traveller going there, if he had not sufficient samples to take to the sample rooms, which belonged to the Indians, had to pay a subscription of 5/- which went to the Mosque. ("And the same applies to Ladysmith")

On no account, proceeded Mr. Cox, must this question be dragged into "the dusty arena of party politics". It was a question of preserving the white civilisation which was the best in the world.

Senator Winter seconded the motion, and said that it was the first time in his political career that he had the pleasure of seconding the motion brought forward by a Labour member. It was a pity that the matter had not been dealt with, but he had presided as far back as 1894 that the time would come when this question would become a menace to the European population.

Mr. T. F. Jones, of the Dundee District of the Chamber of Commerce and read out a resolution in support of the resolution passed at Dannhauser, in which it was laid out that travellers must pay 5/- to the mosque and that any member of the Indian community who gave an order to a traveller who had not so contributed, should be fined £5. The fault lay with the wholesale houses in Durban.

The whole district between Ladysmith and Charlstown contained only two European storekeepers, added Mr. Jones.

Mr. Cooper representing the Haritzburg Municipal Employees' Association, presented figures dealing with the transfer of property to Indians in Haritzburg, viz: £8,749 in 1915, £14,711 in 1916, £2,869 in 1917, £14,977 in 1918, £14,209 in 1919, a total of over £50,000 in five years. Of this over £32,000 was transferred from Europeans to Indians.

Mr. Nel advocated the introduction into the title deeds of all land held a clause prohibiting the sale at any future date to Indians.

Mr. John Harwick of Richmond, thought that the resolution should be amended to permit of the Asiatic being allowed to purchase land in certain specific areas.

Mr. Cox accepted the amendment.

Another speaker stated that in the Transvaal, where Indians were not permitted by law to purchase land, European merchants were purchasing and holding it for them.

The amended resolution was then put and carried with one dissentient vote.

Mr. G. H. Kulett then moved a resolution to the effect that Asiatics should not be allowed to lease land, except in certain specified areas.

Mr. MacGregor seconded and the resolution was carried unanimous

Mr. Jansen M.L.A. then moved: "That this Congress is of opinion that the further issue of new trading licences should be prohibited by law, and that existing licences held by Asiatics be not renewed after five years, subject to compensation to the holders".

The speaker said that the encroachment of the Asiatic was plainly visible, and he hoped that this Congress would have the effect of removing the spathy on this subject which existed in Natal.

Mr. Jones seconded, although as he said, he did not agree with the five years clause, the Asiatic trader and not the indentured labourer was the root of all evil.

Mr. Dunlop asked the mover to stand to the first part of the resolution only, as there was a considerable divergence of opinion as the second part.

Mr. Jansen agreed to this.

Mr. Stein speaks on the question of licensed and unlicensed hawkers, many of whom, he said, were carrying on a regular store trade. The licensing question lay in the hands of the Town Council of Maritzburg, and the sooner it was taken out of their hands the better.

Mr. Nicolaas of Underberg, lay claim to the privilege of representing the only district which did not contain a single Arab store. They had eight European stores, though.

The resolution was then put, the mover inserting the words, "or transfer of licences" and was carried unanimously.

Mr. A. P. Smith representing the Royal Agricultural Society moved: "that the existing licences held by Asiatics should lapse on the death of the holder, or in five years time, subject to compensation to the holders".

He had served under Sir Frederick Meer when they had successfully saved the Native Location from the Asiatic trader. He recalled the time when the entrance to Maritzburg from the station had consisted of Native stores owned by Europeans, but to-day it was a collection of disease breeding hovels. It was impossible to be thin-skinned in this matter, and if they did not hold up their end they would have to get out.

Mr. Nel seconded.

Mr. Darby moved an amendment to the effect that all existing licences held by Asiatics shall be non-transferable and shall terminate absolutely on the death or insolvency of the present holder.

Mr. Kuletta seconded the amendment and said that they would never get the authorities to commit themselves to the paying out of enormous sums as compensation, whereas under the amendment they would be able to eliminate the Asiatic trader in a few years without any compensation.

Mr. Thomas Fleming supported the amendment and said that to close all these stores in five years was a perfectly unreasonable thing.

Mr. Phillips said that the amendment really represented the action which the Transvaal branch of the League had already adopted. He thought that to pass the amendment would be a reflecti

on what was done by the House of Assembly 13 years ago. He did not believe that the Government would close all the Asiatic stores in five years time; but if the main resolution was to confirm the opinion of their own legislation 13 years ago, then they should pass it. He supported the original motion.

Sir Frederick Neer said that he was one of those who had taken a hand in framing the resolution passed 13 years ago. He thought that the monetary consideration, however large, should not weigh against their desire to do justice in their attempt to free themselves from this menace. He appealed to Mr. Hulett and said that they would not be on sound grounds if they took away a licence on a man's death without compensating his relatives. The man had given his life to his work with a view to benefitting his descendants, and they must see justice done.

Mr. MacGregor supported the amendment.

Mr. Nel moved a further amendment that no compensation should be paid to a licensee unless he left the Union with his family.

Mr. Dunlop said that the further they discussed the matter the more complicated it became, and they could argue for a very long time as to whether compensation should be granted or not. He would ask the mover how he proposed to deal with a company. Supposing one shareholder died, were they going to wind up the concern? Whatever privileges attached to licences held by Europeans also applied to Asiatics, and he thought that the whole question should be referred to the executive, who would bring forward a clear and distinct lead on which they could act in future. He moved that the question of existing licences be so referred.

Mr. Allsopp thought that the Conference was quite within its rights in saying what it thought, but he wanted to know who would replace the Asiatics?

Mr. Selke thought that the impasse they had reached illustrated the difficulties which surrounded them when they endeavoured to pass resolutions in too great detail. Let them pass resolutions in general terms, indicating that they wished to get rid of existing licences, but leaving the details to Parliament. He moved a resolution to this effect.

Mr. Otte seconded.

Mr. A. P. Smith accepted Mr. Selke's amendment, as did also Mr. Darby, and Mr. Selke's motion to the effect "that this Congress is of the opinion that existing Asiatic licenses should be expropriated as soon as possible, on such terms as Parliament may consider just and fair;" was then carried unanimously.

After a brief adjournment for tea, Mr. Carter moved and Mr. Andrews seconded: "That the Government be requested to absolutely prevent any further immigration of Asiatics into the Union". After discussion the motion was carried unanimously.

Mr. Selke then moved: "that this Congress is of opinion that the security of European standards of life, as well as the interests of the Asiatic community itself, can be best safeguarded by an equitable system of segregation."

Mr. Evans seconded, although, as he said, he was completely opposed to segregation in South Africa. Segregation meant demicile and he would prefer to see the Asiatics leave the country.

Mr. Dunlop said that the only real question was that of feasibility of the principle of segregation.

Mr. Nel said that segregation in the Free State was already applied to Natives as far as the towns were concerned, and he could see no reason why the same principle could not be applied to Indians.

Mr. MacGregor asked the mover whether segregation would not involve the payment of compensation to the Indians transferred. If that was the case he thought it would be better to remove them from the country altogether and compensate them for that.

Mr. Van Rooyen M.P.C., thought that they would be unwise to press this resolution. If the Government failed to introduce legislation on the subjects already passed, then let them bring up the subject of segregation.

Mr. Andrew of the Ladysmith Chamber of Commerce, denounced the Arab stores, and said that already the Asiatic was mixing with Native women, with bad results.

Mr. Jones said that in Dundee locality immorality between Arabs and Native women was on the increase.

Mr. Selke complained that only the destructive criticism of his motion had been expressed. If, as had been said frequently, the Asiatic was a parasite, then by segregating him his object would be defeated and he would eventually leave the country. There was no difficulty in regard to the imported India, but it was the Natal-born Indian that presented the greatest problem, and he claimed that by segregation this problem would eventually be settled.

The resolution was then put and carried by a majority of 15, 29 voting for and 14 against.

A resolution to the effect "that to check the serious encroachment of Asiatics and other low-paid coloured workers in skilled trades, commerce, industry, and every sphere of employment suitable for Europeans in South Africa it is essential to have legislation enforcing white standards of payment and working conditions, irrespective of race or colour, and thus cut at the very roots of the chief factor in unfair methods of competition", was moved by G.E. Lines, of the European Furniture Workers of Durban. Mr. Kulett objected to the introduction of this resolution which was not on the agenda.

The chairman suggested the withdrawal of the words "Other low-paid coloured workers", and another delegate protested, saying that this was the first resolution brought by a Labour organisation and should not be objected to. They had listened to the farmer and others all day.

The mover agreed to delete the words mentioned.

Mr. Lines drew a sorry picture of the conditions of the European furniture trade workers in Durban, where, he said, only a few were left owing to the employers preferring to use unskilled coolie labour. They were asking the Government to see that the European worker was not pushed to the wall, and there were 150 coolie boys learning the trade in Durban, whilst European boys find no opening to take up the trade at all.

Mr. Nielsen (representing Durban Coast) seconded the resolution and said that there were hundreds of European boys who would have no future if the Asiatic was to be allowed to monopolise trades.

Thirty one years ago there was only one Asiatic tailor in Durban, but to-day there were between 200 and 300. Twenty years ago nearly 300 white tailors worked in Durban, but to-day there were only 50.

Trade Unions cried down sweated labour and cried for high wages, but now that they were getting them they spent their money with the ecclie and not with the European tailor. 35,448 white residents of Durban could not keep 344 European tailors in constant employment, but preferred to open their money with the Arab, who sent his money to India.

Mr. Handley (Greytown) said that he was amazed to hear the state of affairs in the towns, and he instanced cases of white women who bought the most private articles of dress from ecclies. This was a disgraceful thing and should not be allowed.

Mr. W. Cox spoke in support of the resolution, and said that unless the white working man joined them in their movement it was doomed to failure. The Wages Bill would bring the Arab under the same rules as the European employer. ("they never will be") "No", said Mr. Cox, "they never will be", but he suggested that the tightening up of the measure would make it an instrument to deal with the Arab question and protect the white standard of living.

Mr. MacGregor also spoke in support of the resolution as did Mr. Freestone, of the Maritzburg branch of the S.A.I.F., who said that the master grocers of Maritzburg were having such a struggle to compete with the Asiatic competition that it was possible that they would have to reduce the rate of pay they gave their European employees to the level of that paid by the Asiatics. He fore-shadowed the day when the Trade Unions would be in a position to punish their members who dealt with the Arab, and so helped to cut the throats of their fellow-workmen.

The conference then adjourned till 8 p.m.

On resuming in the evening Mr. G.H. Hulett spoke in favour of the resolution, whilst Mr. Karshaw assured the gathering that the suspicions with which the members of his Union had originally regarded the Congress would be dissipated by the high tone that had marked the proceedings.

Mr. Hunter expressed his gratification at the speeches which had been made upon this matter. He had been assured by Labour leaders that Labour was with them, but he had experienced great difficulty in getting practical support from them. He appealed to his Labour friends to make this one of their own questions. In Australia the success of the movement had been largely due to the fact that the Trades Unions had forbidden their members to deal with the Asiatic.

Mr. T.G. Strachan M.L.A., who described himself as "one of the nine survivors of the wreck of the good ship Labour," said how much he had been struck by the expressed desire of every member of the Congress to deal with this subject on the lines of British Justice, and they must not forget that they were dealing with fellow British subjects. He instanced the encroachment of the Indian in the printing trade of Durban, where one firm employed no fewer than 21 Indians to six Europeans, whilst another establishment employed an entire Indian Staff, with the exception of the manager. An appeal to patriotism would do no good - such appeals only succeeded at election times - but legislation must be introduced to enforce on employers the rule of equal pay for equal work.

Mr. Johnson of the Durban said how glad he was that organised labour had been given an opportunity of speaking and he could assure Mr. Hunter of the support of the railway servants.

Mr. Lerwick of the A.E.U. also supported the resolution.

Mr. Marwick congratulated his Labour friends on the way they had spoken, and said that more meetings of this nature would go far towards removing the distrust that often existed between both sides. He asked the Labour people whether it was not a fact that the apprentices in any trade were limited by the Labour people themselves and whether that did not account for the fact that so many European boys could not start in a trade rather than the Asiatic competition.

Mr. Lines replied that there was a rule that there should be one apprentice to four men. If the ratio were higher they would see find only apprentices at work and no man.

The resolution was then put and carried unanimously.

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The Chairman before putting the next resolution pointed out that the formation of the League prohibited the introduction of party politics. They had heard to-day that there had been suspicion on both sides, but he hoped they would now see that the League had no connection whatever with any political party.

Mr. Carter (Lady Smith) moved: "That the Government further facilitate the repatriation of Asiatics by developing and adding to existing arrangements".

Mr. Selke seconded and said that he was told that about three months ago the Indians were leaving at the rate of about 200 a month.

Mr. Cox said that the figure was correct, and added that the repatriated Indians were now communicating with their fellow-countrymen in Africa and saying how well they had been treated and how glad they were to get back to India, with the result that applications for repatriation were now pouring in.

Mr. T. G. Strachan said that the working people were somewhat chary of embarking on any scheme of repatriation, which they regarded as a two-edged sword.

Mr. Kulett said that it was quite true that an effort had been made by the Indian community to persuade those of them who were desirous of availing themselves of the offered repatriation not to do so. On the other hand, ^{false} promises had also been made to induce Indians to leave the country. He did not see what further steps the Government could take, and warned the Congress that they were going a little too far. The resolution savoured of compulsion.

The Chairman said that there was no question of force in the resolution.

Mr. Kulett went on to say that they would never get the white man to go into the fields and cut sugar cane, and he was certainly not in favour of importing poor white labour from other countries for the purpose, and the Trade Unions would be the first to object to any suggestion of that sort.

Mr. Mel confessed that he was unable to follow the trend of Mr. Kulett's arguments, and said that the present resolution merely approved of what the Government had already done and asked them to do a little more if they could.

Mr. Han Reyon pointed out as a singular fact that not a single one of the coast farmers associations was represented at the Congress.

Considerable discussion followed, one speaker explaining that there was a general fear amongst the sugar-growers that rapid action would leave them without labour to cut their crops at all.

Mr. Harwick said that unfortunately none of them knew clearly what the present conditions of repatriation were. The farmers did not want the coolies to go too quickly in view of the present shortage of labour.

Mr. Cox suggested that the discussion on the motion should be adjourned to the next day, when Mr. Wynne-Cole could explain the position fully.

Mr. MacGregor thought that no harm would be done if the resolution were dropped.

Mr. Selke thought that the opposition was based on a misapprehension of the spirit of the resolution. There was no intention of expediting repatriation in such a manner as to throw any industry into chaos.

A suggestion that the words "So as not unduly to disturb the supply of unskilled labour" be added to the resolution was finally adopted.

Mr. Wynne-Cole then outlined the steps taken up to date in the repatriation of Indians. Repatriation had started in August and there had been considerable opposition on the part of employers who thought it was going to affect their interests, and also there had been opposition from the Indians themselves who were under the impression that their interests were being adversely affected. The latter opposition had had the unexpected effect of increasing repatriation, for which stories had been circulated amongst Indians to the effect that they were being sent to slavery and even that the boat was to be sunk at sea. As a consequence of these lies many Indians had come to him to find out the truth, and in addition letters from Indians already repatriated were being received by their conferees here telling them how well they were being treated. They were being asked why they were sending away the useful Indians and not the traders, but the Indians who were to-day displacing skilled white labour in Durban and elsewhere were the sons of those indentured labourers who were said to be so useful.

Mr. Wynne-Cole outlined some alternative schemes of disposing

of Indians. One was to place Indians in British Guiana where for one thing they were being offered full political franchise, and where all kinds of avenues of employment were open to Indians and for the next five years British Guiana wanted 5,000 Indians a year. If the Europeans of South Africa were unanimous in their desire to get rid of the Asiatic, then he must ask them all, even if they were employers to put no hindrance in the way of allowing the Indians to go.

The speaker concluded by assuring them of his confidence in the success of the present scheme of repatriation.

Mr. Cox moved that the resolution be dropped, but the proposal found no support and the original resolution was finally carried without any addition.

Mr. Selke pointed out that as matters stood it would appear that 24 members had voted against a motion in favour of repatriation. This did not represent the feeling of the Congress which was unanimously in favour of repatriation. To make matters clear he moved a further resolution that the Congress was in favour of the repatriation of the Government scheme and this was carried unanimously.

The Congress adjourned till 9.30 the next morning.

When the Congress resumed on Saturday morning, the secretary read a letter of apology from Mr. Boydell M.L.A., There was only a small attendance of delegates, and the business was the formation of the League.

The Chairman said that they must set out their objects as though they were free agents, but it was necessary to avoid extreme views.

Mr. Nel suggested that a resolution be framed for presentation to the Provincial Council, requesting that body to introduce legislation reverting back to the old principle of local option for each district as regards licensing boards.

Mr. C.L. Lund M.P.C., said he could not quite understand what Mr. Nel wanted.

Mr. Nel said that under the act he meant the Licensing Board for each district was composed of residents of that district instead of a Central Board for Natal.

Mr. Evans seconded.

Mr. Macgregor supported the motion, but thought that it would be better to go a Local Board direct instead of first to a Licensing Office of the Province, and afterwards to a local appeal board.

Mr. Selke said that he had no objection to this.

Mr. Cox pointed out that this question would come up at the next session of the Provincial Council, and the Administration had promised that they would deal with the question.

Mr. Nel's resolution was then put and carried unanimously.

Mr. Handley regretted that the Press had not given prominence to a speech by Mr. Fressene.

Mr. Nel said that they were only asking the Press to help them with their propaganda.

Mr. B. B. Evans regretted the absence of many of their leading men, and also thought that sufficient space had not been given to the proceedings in the Press.

Mr. Macgregor moved: "That the welfare of the community requires the effective administration of the Public Health Act, and legislation controlling the situation and construction of all buildings used for residential and business purposes in both urban and rural districts, especially in the suburbs within five miles radius of the town." He said that the suburbs of Durban were in many cases composed of unsanitary hovels.

Mr. Lines seconded and said that he hoped something would be done.

Mr. Darby said they already had the power under the Public Health Act, and all they wanted was for the authorities to get moving. Mr. Macgregor said that there was no power to lay down the kind of building to be erected.

The resolution was carried unanimously.

Mr. Macgregor then moved: "That whereas Asiatics and other persons of non-European descent frequently seek to disguise their true nationality and origin by adopting European names, or misleading trade titles, the Congress request Government to take action to stop this very objectionable practice".

Speaking to the motion he said that to-day the Arab had the right to put over their store any European name, and the effect was that people were quite innocently deceived into the belief that they were dealing with Europeans.

Mr. Darby seconded.

Mr. Evans asked whether it was a fact that if a coolie put his name Evans over the gun store that he would have no redress?

Mr. Macgregor said that at present there was no redress.

The resolution was carried unanimously.

Mr. Macgregor moved: "That the compulsory annual registration of all adult Asiatics in the Union of South Africa is desirable with a view to detecting those who have evaded the immigration laws and regulation which prohibit inter-provincial emigration".

Mr. Darby seconded and said that as the Immigration Laws were administered at the Port no one could take any exception, but he knew of a case where 11 youngsters were brought into the Country in a packing case. Only two of the youngsters had been traced.

The resolution was carried unanimously.

Mr. Nel asked what was to be done with the resolutions passed, were they to be forwarded by letter or by deputation?

Mr. Selke moved that the resolutions be forwarded by deputations.

Mr. Nel seconded and the resolution was carried unanimously.

The Chairman then asked for nominations and Mr. Nel proposed that each deputation consist of five members.

Mr. Lund asked who would pay the expenses of the deputations?

The chairman suggested that the deputation to the Prime Minister should consist of members of Parliament.

Mr. A. F. Smith thought that the Workers' Unions should be represented on the deputation.

The Chairman said that to ask people to go to Capetown was a big thing, particularly as they would probably be told that nothing could be done until the Commission Report had been received.

Mr. Dunlop thought the deputation should consist solely of members of Parliament and Senators. He moved that these gentlemen present be appointed as a deputation.

Mr. Hallett said that if that was the case, that a further Congress was to be held at Bloemfontein, it would be better to wait for the Congress. He also thought it would be as well to have the Commission Report before they moved.

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Mr. Dunlop thought that their convictions should be forwarded without delay.

The Chairman asked for a definite motion and it was eventually decided that the following be appointed as a deputation to present the resolutions to the Prime Minister:-Senators Sir Frederike Moor and Winter, Sir Geo. Leuchars, Messrs. W.J.O'Brien, T.G. Strachan, J.S. Marwick, and E.G. Jansen.

The deputation to the Administrator was appointed to consist of the Chairman (Mr. R. Hathorn) Messrs. W.J.O'Brien, M.L.A., L. Macgregor, Kershaw, E.H. Hewlett, W. Cox, E.L. Lund, and G. Van Rocyen.

Mr. Selke moved: "That this Congress resolves to form a league to give effect to the foregoing resolutions to be named the South Africans' League (Natal) and that it is to be a non-political association, with the following objects? He emphasised that the League be a non-political organization.

1. The rigorous enforcement of the South African Immigration Laws, and the prevention of the entry of Asiatics into Natal, whether from outside the Union or by inter-provincial immigration.

2. The deportation of Asiatics who have entered Natal in contravention of the Immigration Laws.

3. The localisation in reserves and bazaars of all Asiatics other than those employed as household servants or labourers.

4. The elimination of Asiatic trading licences, and the prohibition of Asiatic trading through the Province, save in reserves and bazaars last mentioned.

5. The expropriation, subject to just compensation, of all immovable property and business vested in or owned by Asiatics.

6. Steady and uncompromising resistance to claims by the Asiatic community to full rights of South African citizenship on an equality with Europeans.

7. The ultimate elimination of the Asiatic from Natal, but in such manner as not to disturb existing industries, or the supply of unskilled labour.

8. The collection and circulation of information relating to these objects, and the taking of steps to influence and organise public opinion thereon, with a view to securing legislation.

He emphasised that the League, although it bore the same name

as the Transvaal League and had similar objects, had nothing to do with the Transvaal League, but was quite separate and distinct, as they felt that Natal problem was far more acute and quite different to that confronting Transvaal.

Mr. Macgregor seconded, and the resolution was carried unanimous

Mr. Selke said that the formation of further branches be left to the Executive Committee to be formed. He asked for discussion as to the number required to form the Executive Committee and thought personally that it should not consist of more than 12.

Mr. J. F. E. Barnes asked what would be headquarters and whether the Executive would be representative of all branches or a number of men centrally situated.

Mr. Selke thought the Executive should be elected from three branches, and the headquarters of the League would be Maritzburg, and he thought the Executive should consist of local men who could meet easily.

Mr. Macgregor thought that 12 men and the chairman should form the committee. This brought up objections on the grounds that it would involve an unlucky number.

Mr. A. F. Smith suggested 15 members of the Executive.

Mr. Van Ruyven thought that there should not be too much centralisation and each little place should have its branch.

Mr. Nel seconded Mr. Smith's idea of 15 members, provided that Maritzburg had sufficient representation to form a quorum. He suggested that five members should form a quorum.

Mr. Macgregor supported this suggestion and thought that Maritzburg should have seven representatives, Northern District four, and Durban and Coast four.

The proposal was ultimately adopted and carried unanimously.

Mr. Selke then broached the question of funds and appealed to the members of the Congress to contribute generously towards these funds. The various objects of the League next came up for discussion.

Mr. B. B. Evans did not agree with the idea of asking for subscriptions, and thought it best to name a fixed sum that everyone should pay. He was not quite clear how the League was to be run in outlying districts.

Mr. Macgregor outlined the procedure adopted by the Durban and Coast branch, and, referring to the question of subscriptions, said that his branch possessed 400 members who had never yet subscribed a penny towards expenses. He urged the immediate necessity for opening an appeal for funds.

The chairman thought that the District Committees were quite capable of managing their own affairs, and he thought the question of subscriptions should be left to them.

Mr. Selke said that it was a matter of indifference to him how the funds were raised. He had merely thought that with so many delegates present some would have liked to contribute.

Mr. Nel thought the Central Committee should work this matter out and call on the district committees for assistance. If they were not prepared to sacrifice a little money they had better leave the question.

Mr. Fleming thought that the various farmers' associations should contribute something.

Mr. Evans said that the fact of having a stated subscription should not deter anyone from giving more if they could. Every white man and woman should belong to this League, and he thought that a sum of 5/- for men and 2/6 for women per annum should be the minimum subscription. He moved this as a resolution. Another delegate proposed the opening of a subscription list in that meeting.

Mr. Evans' motion was then carried unanimously and another motion that a subscription list be circulated at once was also carried.

The meeting then reverted to the discussing of the objects of the League, and the first object was carried unanimously.

The second object was passed unanimously without discussion, as was also the third and fourth.

Mr. Selke added the words "The prohibition of any further sales of land to Asiatics" to the fifth object, and Mr. Macgregor added the words "Whether as individuals, partners, or shareholders" to the end of the object, which was passed as amended.

The sixth object was passed without discussion, but the seventh evoked considerable discussion, Mr. Van Rocyen asking for the elimination of all words after "Natal" as he said they must disturb existing industries.

Mr. Darby said that the idea was not to ~~disturb~~ alienate the sympathies of the sugar-growers and mine-owners, and the words should be left in.

Mr. Freestone said that they could not remove all the Asiatic labour from industry at one stroke, as that would mean throwing out of employment numbers of white people.

Mr. Van Reeyen's amendment was lost and the original motion with the addition of the word "Unduly" and the elimination of the words "Existing industries" was carried.

Mr. Macgregor moved as an addition to the objects of the League a resolution asking for legislation ensuring the standard of the white payments and conditions in all skilled trades.

Mr. Selke accepted this, and Mr. Nel Ale thought that the introduction of a minimum wage would mean that an employer would have a white man instead of an Indian, and that would eventually lead to the elimination of the Asiatic.

Mr. Barnes asked whether the resolution made a clear discrimination between skilled and unskilled labour. Unskilled labour has done a great deal in establishing Natal's position to-day, and he warned them not to carelessly throw away the Indian labourers, who had been loyal, peaceful and a well-conducted race. He did not think that unskilled labour should come under the objects of the League.

Mr. Selke said the resolution referred to skilled labour only, and the unskilled labour of the country would always be in the hands of the coloured races.

Mr. Cox pointed out that the Regulation of Wages Bill of last July had settled this question, as it applied only to skilled labour.

The chairman suggested that the resolution should be amended to read any sphere of employment suitable for skilled European workers in South Africa.

Mr. Macgregor accepted the amendment, and added that he thought the Government should initiate a scheme to train Europeans for skilled labour.

Mr. Kershaw did not see any necessity for altering the resolution. No one was so anxious as the Trade Unions to see that no one entered their preserves unless they had been apprenticed.

Mr. Freestone said that the question was who was to judge what was skilled labour and what was unskilled labour. For instance men engaged in repairing broken trucks on railways considered themselves as skilled labourers, though the engineers would not consider them so. He thought the resolution should read "And skilled workers".

The chairman said that they were wandering from the point, and Mr. Dunlop said that even if they made every white boy a skilled man the Trade Union would not accept them all.

Mr. Christie asked for the word "skilled" to be left out, and eventually the amendment was carried unanimously, and it was decided to leave the election of committees to the branches concerned.

Mr. Cox moved a resolution asking the committee to call a conference at some central spot in connection with the Transvaal League, and also representatives from other Provinces. The object of this conference was to give General Smuts a mandate to speak with the support of the whole white population of the Union at the forthcoming conference of the Empire Prime Ministers.

Mr. Nel seconded and the resolution was carried unanimously.

Mr. Stein moved that a deputation be appointed to carry the same terms of a resolution passed on previous day to the Provincial Council. The resolution read "That this Congress is of opinion that the further issue of new trading licences should be prohibited by law"

Mr. Selke pointed out that this resolution had already been carried, and Mr. Stein thereupon withdrew.

Mr. Phipps then offered the thanks of the Transvaal to Mr. Hathern for the manner in which he had occupied the chair. The Congress had taken the question out of sight of the position it occupied on the previous day, and he thought that if the people of Natal did not respond to what had been done, then they deserved to be driven out by the Asiatics. He paid a tribute to the representatives of the Trade Unions, and said that the menace affected the workers more than any other section of the community. He also mentioned the work done by Mr. Macgregor and his committee in Durban, who had been largely responsible for launching the movement in Natal. He had also been impressed by the strong representation

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~~of the sugar industry which stood to lose most by the~~

of the sugar industry which stood to lose most by the expulsion of the Asiatic, and he thought this was a good augury. The sugar industry would not be allowed to go to the dogs by the Government. He also thanked Mr. Selke and Mr. Nel for their contributions also Mr. Freeston whom he congratulated for the spirit that had marked his utterances also the Press for the efforts they had taken

Mr. Kaegreger expressed the meeting's appreciation of the manner in which the Transvaal Branch had worked with them. Mr. Phillips the chairman and Mr. Hunter have always shown their hearty sympathies in the great difficulties Natal was faced with.

The chairman, in closing the Congress, added his tribute to what had been said with regard to the work of the Transvaal branch. The League was going to be a very great success and there had never been a more representative Congress in Maritzburg.

Mr. Dunlop moved a vote of thanks to the chairman and to Mr. Cox for their services, and Messrs. Mathorn and Cox suitably returned thanks, when the Congress dispersed.

THE TRANSVAAL STRUGGLE

MAHATMA GANDHI'S
STATEMENTS.

JOHANNESBURG LOCATION.

The following is the report and recommendation of the Public Health Committee of the Johannesburg Town Council:-

After the most careful consideration we have arrived at the conclusion that the scheme contained in the attached report of the Town Engineer, with the modifications suggested in this report, should be adopted by the Council. This scheme provides for the establishment of the following undertakings at Klipspruit farm:-

- (1) The native location.
- (2) The Asiatic bazaar
- (3) A water supply and washing establishment.

Before considering each of these subjects in detail, it may be observed that the questions dealt with in this report have occupied the attention of the committee for a considerable time. The obstacle which was presented by the fact that the Council was not in a position to acquire the freehold property of Klipspruit farm until the formal approval of the Lieutenant Governor had been given to the use of part of the farm for the purpose of sewage irrigation has lately been removed by the publication in the Gazette of the 15th of September, of the order of the Lieutenant Governor, sanctioning the proposed sewage farm. The necessary formalities are being proceeded with to enable the Council to take transfer, and we feel, now that this difficulty has been removed, that the interests of the community require that no time should be lost in submitting our report upon the local question to the Council.

In this view we are strengthened by a letter, which was received from the Native Affairs Department, in which the urgent need at arriving at a prompt settlement of this question was clearly expressed.

It will be necessary to deal with each of the proposed undertakings in detail. It may, however, be remarked by way of preface, that the figures given in the attached reports are estimates, and that the committee hopes that the actual expenditure will prove to be considerably less. All that can be done at this stage is to set the broad outlines before the Council. The details must be filled in by the light of experience as the scheme proceeds.

1. With regard to their suggested native location at Klipspruit the proposal of the committee is first that the Council should at once take steps to provide a location of sufficient size to meet the needs:-

- a). of the natives at present residing in the existing Kaffir location.
- b). of the natives who have hitherto been suffered to reside in the numerous private locations within the Municipal area
- c) of the natives who are at present living in various parts of the town, other than natives on the premises of their employers.

The latter class, the number of which is estimated roughly to be about 2,000, consists of natives living under insanitary conditions, and in defiance of the bye-law which requires all natives who are not residing on their employers' premises, to live in a location.

The number of the second class, was, a short time ago, estimated by the Native Affairs Department to be 2,607, which number includes 378 females and 428 children, and the number of natives living in the existing Kaffir location was put at about 4,585, that is to say 2,174 males, 1,131 females, and 1,280 children.

Allowing for a certain increase in numbers since this statement was prepared, the total number of natives for whom immediate provision would be required, may be put at about 10,000, and the Town Engineer considers that the provision of a location of sufficient size to meet their requirements, would entail a capital expenditure of £50,274. It is further estimated that the annual charges in connection with this location would amount to £9,381.5s. This figure represents the figure of £14,795.12s.6d. of the Town Engineer's report less the last item of £5,414.7s.6d. An allowance in respect of bad debts, etc., is made in the estimate of revenue to be derived from accommodation charges given below. Against this expenditure may be set the sum which would be obtained by the Council every year from the natives in respect of hut accommodation and other charges. The figures given in the Town Engineer's report of 15/- for unmarried natives, and £1.5s. for each family of five, include the cost of a season ticket at 12/- a month for each person.

as well as an accommodation charge of 3/- for single persons and 13/- for every family of five persons. We propose, however, that an average charge of 4/- per month should be recovered from each native who makes use of the huts to be provided by the Council under this scheme. A certain difference would, no doubt, be made in the case of families, and the charge would not be absolute uniform. Assuming, however, for the purpose of an estimate, that each native would pay the above charge, the total annual revenue from this source would amount to £24,000.

From this sum a deduction of at least 33% should be made in respect of bad debts, fluctuation of population, and any reduction of the charge per head in the case of families. This would leave the Council with an actual revenue from this source of about £16,080. To this amount must further be added the sum which the Council would receive by way of rent or licenses in respect of trading stands, and any rent that may be recovered from natives to whom ground is leased by the Council.

The committee is of opinion that, in view of the fact that a large proportion of the inhabitants of the location will not come regularly in to town to work, that the accommodation charge and the railway ticket should be kept distinct and separate, though season tickets might be obtained from the Railway Administration through the Council. The figure of 3/- a week for a season ticket which was supplied by the Railway Administration, represents the sum charged on this account during the time that the Administration was running special trains in connection with the Isolation Camp at Klipspruit. The committee however, does not despair of obtaining better terms, in view of the fact that the establishment of a permanent location would provide a regular passenger traffic upon a scale which was impossible under the emergency arrangements which had recently to be made in connection with the plague. This consideration will have additional weight if the Council decides to put its new property at Klipspruit to an even more extended use than that suggested in this report, as the expense of carriage must necessarily decrease in proportion as the regular supply of traffic increases. Most of the natives who would pay the above mentioned monthly charge in respect of hut accommodation, belong to the labouring class.

It is, however the intention of the committee to give facilities to natives of the better class who may wish to build their own houses. In such cases it is proposed that the Council should lease pieces of ground and allow the lessees to erect houses of their own, subject, of course to the approval of the Medical Officer of Health and the bye-laws. Their tenure would, under this scheme, be similar to that which would be granted in the case of Asiatics, if the suggestion of the committee is adopted. It is considered that this course will possess a double advantage. It will meet the wishes of the better class native, and, at the same time, will provide a legitimate object for the aspirations of the inhabitants of the location.

It is proposed that the Council should, by way of compensation pay the owners of the huts in the existing Kaffir location the market value of the material of which they are composed, and in addition a sum equal to 30% of such value in respect of the original cost of erection. Of these huts, 669 are in a bad condition, 198, however, are fit to be moved, and it is possible that, in the case of the latter, some arrangement might be made under which the owners might transfer them to Klipspruit with the object of re-establishing them upon ground leased from the Council on the above-mentioned terms, the Council refunding the expenses of removal. It is, however, at the present time impossible to make even an approximate estimate of the number of natives who would wish to adopt this course, or of the amount of money which the Council would be obliged to pay for the removal of such buildings.

A water supply sufficient in quantity and quality must be provided to meet the requirements of the promised location and base.

In addition to the immediate establishment of a location of sufficient size to meet the needs of the present native population the committee is of the opinion that the Council should be prepared to gradually extend the accommodation at Klipspruit, in order to keep pace with any future increase in the numbers of natives.

It may be urged that the suggested site is too far away from town, and that its selection would have a depressing effect upon the labour market. This question has received our most careful.

consideration, and a sub-committee was appointed with the object of discovering a suitable site nearer to Johannesburg. After a considerable amount of investigation, this sub-committee reported to us that no suitable ground was available for the required purpose within a more convenient distance.

Apart from the impossibility of acquiring a suitable site nearer to town, we are convinced that the public interest requires not only that the location should be placed outside the town, but that it should be, as far as possible, removed from any neighbourhood inhabited by Europeans.

It is estimated that as soon as the location is established, at least 4,500 natives will have to be brought into their work daily, and it is obvious that so large a number would entail an excessive strain on any tramway service. Apart from the fact that the native population of the location will most certainly increase, there is the additional consideration that if the Asiatic bazaar is to be established at Klipspruit, carriage will also have to be provided daily for a considerable number of Asiatics. In addition to the passenger traffic, it must not be forgotten that a very large quantity of supplies will have to be taken to Klipspruit at frequent intervals. The advantage of keeping the native quarters completely away from the white population, will be obvious to every one whether one considers the interests of the native or those of the poorer class of European. Many facilities for keeping order and for efficient sanitary control will be afforded, which the present position of the location renders far from easy. At Klipspruit moreover, it would be possible for the sewage from the location to be utilised by being put upon the land and the greater amount of space available for the location itself cannot fail to have a beneficial effect upon the health and cleanliness of the natives.

~~XX~~ In addition to this, the committee hopes that the conduct of the illicit liquor trade will be rendered far more difficult, if it is not altogether prevented by the proposed scheme.

So far from the removal of their location having a depressing effect upon the native mind, and consequently upon the labour market, it is the opinion of Council's manager of locations that the change will be welcomed by the majority of natives, and this view is, perhaps, to some extent, borne out by the fact that the natives living in the location camp at Klipspruit, expressed their unwillingness to return to town when the intention of the Rand Plague Committee to break up their camp was communicated to them. It is, however, the opinion of the Native Affairs Department that any further delay in the settlement of this question will certainly have a depressing effect above referred to.

The next undertaking to be considered is the Asiatic Bazaar. The proposal of the committee is that this bazaar shall be established at Klipspruit, as soon as circumstances permit of the relocation of Asiatics to bazaars for residential and trading purposes.

It is estimated that provision will have to be made in such a bazaar for 5,000 Asiatics, at a cost of £30,310.

It is further estimated that a sum of £5,700,1s.6d. would be expended in annual charges. This sum represents the figure of £7,410,2s. on page 3 of the Town Engineer's report, less the last item contained in the list of annual charges £1,710,0s.6d. Against the amount, however, a sum of £8,040 may be set in respect of charges to be recovered from the Asiatics in respect of rent, sanitary service and water. This sum is arrived at in the same manner as the revenue which it is estimated would be received in respect of accommodation charges in the Native location, and is also based on an average charge of 4/- per head. In addition to this a considerable sum would be recovered by the Council from the rent of trading stands at the Bazaar.

We propose that the Asiatics should build their own houses on approved plans, the Council only erecting a certain number of huts for indigent persons and that their tenure should be similar to that for which the new Native Location by-laws provide, i.e. tenure from year to year at a monthly charge of say 4/- per head, to cover rent, water supply and sanitary service, subject to the right to the Council to terminate at the end of any year on giving one month's notice. The above-mentioned charge, as in the case of the native

All buildings and erections remaining on any stand vacated would then become the property of the Council, subject to a similar right on the part of the holder of the stand permit to compensation as is provided in clause 10 of the Native Location By-laws, which reads as follows:-

10. where upon the vacation of any stand the buildings and erections remaining thereon, which become the property of the Council as aforesaid, are of the value of £25 or more, the Council shall compensate the holder of the stand permit vacating the stand by paying to him the value of such building. For the purpose of this by-law the value of the buildings or other erections on any stand shall be the market value at the time the compensation is payable of the materials of which the same consist plus an allowance of 30% on such value for the cost of erection and less such sum as, having regard to their then condition is required to be expended in order to put the same in good repair."

We propose that the trading stands should be sold at a rental to be fixed by public auction, but that one individual should not be allowed to hold more than one trading stand.

We are convinced that the interest of the Municipality and of the Colony require the imposition of the above restrictions for the following reasons.

(1) If the existing state of things is allowed to continue, certain kinds of industry e.g., that of the small tradesman and artisan class, which would otherwise form a means of livelihood to a considerable number of Europeans, will inevitably fall into the hands of the Asiatics, and the growth of the self-supporting European population will consequently be materially impeded. It may be urged that this attitude is prompted by trade jealousy and that, if the Asiatic succeeds in ousting his competitors, his success will be due to the fact that he possesses qualities in which his European rival is wanting. This argument, in our opinion, is misleading and avoids the real issue. The existence and future of Johannesburg as a white man's town in a white man's country, to make use of a familiar expression, is, in our opinion, involved, if the proper

development of the European population would be endangered by the continuance of the present state of things.

It must not be forgotten that the figures obtained at the recent census show that the coloured population of the Transvaal already outnumber the white population by 77.83 to 22.17. The following figures show the actual population in Transvaal (1904):-

	Transvaal proper.	Swasiland.	Total.
Whites (person)	269,327	898	303,225
Whites (per cent)	23.59	1.05	22.17
Aberiginal natives (pers)	854,498	84,531	1,238,029
do (per cent)	74.52	93.88	76.06
Other colrd. races (pers)	23,891	55	23,946
do (per cent)	1.88	0.66	1.77
Total (persons)	1,268,716	85,484	1,354,200.
do (per cent)	100.00	100.00	100.00

© Including Malays, Hottentots and other South African coloured persons, as also Chinese, Indians and foreigners of coloured races.

In Johannesburg itself, the Census shows the population as follows

Whites	84,113 persons	52.56 per cent
Aberiginal natives	64,577 do	40.36 do
other coloured races	11,327 do	7.08 do
Total	160,017	100.00

While, on the other hand, it is undesirable that the resident coloured population should be increased by further immigration, on the other hand the present stage of the growth of the country demands that every encouragement should be given to the development of the white portion of the community, and, in our opinion, any further invasion on the part of the coloured population in the sphere which has been claimed by public opinion in this Colony for Europeans, should be discouraged.

In considering the possible consequences of such an invasion, it is instructive to consider the examples of Natal and Pietersburg

The preliminary census returns (1904) give the following:-

	Natal	Pietersburg	Ntl. Piet.
Whites (persons)	97,109	1,637	Natives pers. 79,978 1.44
do (per cent)	34.11	49.45	do (per cent) 28.69 44.00
Indians persons	100,918	398	Mixed and other persons 6,630
do per cent	35.45	6.05	do per cent) 2.35

In the case of Natal the figures are exclusive of the native areas.

If Zululand and the native areas are taken into consideration the proportion of the coloured to the white population of Natal is 91.24 to 8.46.

The Controller of Asiatics states that 20 general dealers' licenses were issued to Asiatics to trade outside the Coelie Location, before the war, and that there are at present 38 Asiatics trading in the town under licenses, and 11 in the bazaar total 49.

While there are some Asiatics whose habits are unobjectionable from a sanitary point of view, by far the bigger proportion of the Asiatic population of this town consists of a class the existence of which in our midst constitutes a danger to the community.

It is roughly estimated that there are about 1,677 Asiatics living in the town and suburbs of Johannesburg, and 1,752 in the Malay location. Of the first number no less than 1,199 for the most part are waiters, hawkers and poor class Indians, living in warrens and dens that are filthy and insanitary. It is impossible by any method of supervision to ensure the observance of the Public Health By-Laws by these people, whose habits are too deeply ingrained to be eradicated by the application of any sanitary code. This class is particularly susceptible to both plague and smallpox, and the danger is increased by their tendency to conceal the existence of any infectious disease among them. The same remarks apply to the inhabitants of the Malay location but with few exceptions. The recent outbreak of plague and the events connected with it proved the difficulty of effectively isolating a location within the town itself.

In the case of the Asiatic Bazaar, as in that of the native location, efficient sanitary control and order will be facilitated by the removal to Klipspruit, were the greater space which it will be possible to allow each house or hut will tend to promote more cleanly habits and at the same time increase the comfort of the inhabitants of the bazaar.

11) We are convinced that the interests of the poorer part of the mixed European community require that the Asiatics and European populations should be kept completely apart. Experience has shown

that social intercourse between the two has calculated to result in the deterioration of the white man without improving the Asiatic and the vices of each race have always exercised a demoralising effect upon the other. It may be added that in a bazaar of the kind proposed the various Asiatic races will enjoy greater facilities for carrying out their religious festivities and observances without interruption and annoyance, than is possible under the existing state of things, while in addition to trading in the bazaar itself, the proximity of the Kaffir location will give every opportunity for commercial dealings with the natives.

With regard to the proposed undertaking generally, it may be added that while we recognise that there are certain Asiatics in this Colony whose standard of education entitled them to what have been called 'white men's privileges', the Committee is strongly of the opinion that any legislation that may be introduced upon this subject, and which gives immunity from the suggested restrictions in certain cases, should provide that every Asiatic who is given an exemption must first satisfy the Colonial Secretary or some other authority that his qualifications are such as to entitle him to receive it, and this test should be strictly applied. We do not wish to interfere with any Asiatic who may have obtained trading licenses before the war, unless the insanitary condition of their dwellings or stores is such as to render their presence in the town objectionable.

Nowhere we publish the report of the Public Health Committee on the much-vexed Location question in Johannesburg. Our readers will remember that this is the 4th report of the Public Health Committee, and in the 4th the Committee has made a clean breast of all the hypocrisy and it has come out in true colour. The report is indirectly a complete answer to Sir Arthur Lawley's contention that the Asiatic bazaar sites have been well chosen, and that they afford scope for both European and native trade. In The Public Health Committee at first fixed upon a site very near the Malay Location. It then recommended the site chosen by the Beer Government, and now it has fixed upon the site which was used as an isolation camp during the plague outbreak, and which is situated thirteen miles away from Johannesburg. And it is there that about five thousand Indians, including hawkers and traders, with the exception of a few old-established merchants, would be removed, if the Committee's recommendations are carried out, and here are the reasons:-

"If", says the Committee, "the existing state of things is allowed to continue, certain kinds of industry, as, for instance, that of small tradesmen and artisan class, which would otherwise afford a means of livelihood to a considerable number of Europeans, will inevitably fall into the hands of Asiatics, and the growth of the self-supporting European population will consequently be materially impeded".

It is wonderful how arguments which were never thought of before are being now found to support in naked terms, a policy of slow confiscation. We say without the slightest fear of contradiction, that the Indian artisan class in Johannesburg simply does not exist. It is true that there are a few indifferent carpenters and fewer bricklayers, but they do not wish to enter into any competition whatsoever. The present Indian population of Johannesburg has been resident there since at least 1896, because it was then that the census was taken and the number is about the same now, as then. And yet, the Indians have not been able to oust the Europeans in any department whatsoever. White Johannesburg is still white, and yet the Public Health Committee

has suddenly found out that the presence of the Indian population will "materially impede the growth of the self-supporting European population", although the European population is ever on the increase, whereas, owing to the mis-application of the Peace preservation Ordinance to the Indians, the Indian population is and must be on the decrease. The census statistics produced in support of the contention is utterly misleading, and could only be meant for the consumption in England, for they cannot possibly mislead the people of the spot.

The Indian population is hardly more than 7,000 as against 84,000 whites in Johannesburg, and the Indian population of the Transvaal is hardly 10,000 as against the European population of 300,000. On the one hand to talk of the Indian competition ruining the whites, and on the other hand to dangle before the English public figures including the Native population, and then shew the terrible disproportion, is hardly worthy of a great public body. Then the Committee has gone into a comparison of the position as between Johannesburg on the one hand and Natal and Pietersburg on the other. This is a second edition of Sir Arthur Lawley's comparison. We have already dealt with this phase of the controversy, and humbly endeavoured to show that it is all in favour of the Indians. The Committee now boldly states that the British Indians should not have any share of the European trade at all, and that "the Bazaar should be kept completely apart from any neighbourhood inhabited by Europeans", and it is for that reason that the Committee has chosen the wilderness at Klip Spruit for dumping down the Indians, who can neither do any hawking nor any trade, except among themselves and the few Kaffirs. But the Kaffirs cannot be any customers of the Indians because, being most of them workmen, they will have to go into town early in the morning, and return probably at eight o'clock at night. They are then not likely at that time to go to the Asiatics and make their purchases there; they will naturally make them in town. The charge of insanitation has also been dished up again. "It is impossible says the Committee, "by any method of supervision to insure the observance of the Public Health By-Laws by these people".

We challenge the Committee to produce statistics in support of this contention; we ask for figures showing how many prosecutions under the Public Health By-laws have taken place against the Indians; in how many cases they have neglected to conform to the regulations. So far as we are aware, we know Johannesburg Indians a bit, we would be much surprised if there have been six prosecutions against British Indians throughout the year, and we make bold to say that in hardly a single instance has there been a second prosecution against the same man. Sanitary inspectors throughout South Africa have laid stress upon the docility of the Indian and his willingness to comply with lawful orders. The Committee says "The recent outbreak of plague, and the events connected with it proved the difficulty of effectively isolating a location situated within the town itself". Either, therefore, Dr. Pakes, who in his report shewed that he had successfully cordoned the Indian Location and thus stamped out the plague, was wrong, or the Public Health Committee is wrong. Dr. Pakes has been congratulated upon his splendid work, and it is offering an insult to him to imply that effective isolation was impossible, owing to the location being situated within the town. We deny the reckless statement of the Public Health Committee that the Indians are particularly susceptible to small-pox. The experience in Natal shews that such has not been the case. And as to the plague too, we question very much that the Indian is necessarily more susceptible. The plague, which originated in the Indian location, and for which the Public Health Committee alone was responsible, remained confined to the location, and if the number of cases in the location be eliminated, it will be found that the Indians were not more attacked than others. The last reason given by the Public Health Committee is the miserable plea of social intercourse between the poorer whites and the poorer Indians. In the first instance there is absolutely no social intercourse between the two, and in the second we should very much like to know in what way the presence of the Indian had contributed to the social deterioration of the white man; what is the particular vice of the Indian community which the white man has contracted during the past seventeen years. And the phenomenon of the two

IGNORANCE AND PREJUDICE

(an article published in *Indian Opinion*)

If one may judge from the common characteristics of the day, the vulgar fallacies, the bundles of notions that are taken for convictions or opinions, it would almost appear as though the motto most beloved of the nations of the West is that inane English proverb: "where ignorance is bliss 'tis folly to be wise".

Nor do these nations content themselves with voicing this false platitude as a confession of faith, for we have but too ample evidence that it has become an axiom, a living principle, with them. Whatever is not understood, is best left alone, say they. And let him beware who endeavours to take off the blinding bandages of ignorance, so that those, who have eyes to see, may see.

Ignorance, and her first-born progeny, prejudice, seem to be the moving forces of life, in South Africa especially. With but few exceptions, South Africans appear to be unable to discuss the colour question with any fairness. With some, it is a matter of absolute repulsion. With others, it is sheer contempt for anyone that is not white. Others again are possessed with a feeling of fear at the possible supremacy of the coloured race. With some one kind of prejudice exists; with others, another; and with a third group, yet another.

Moreover, none of these many prejudices has a truly logical basis. From the very essence of the thing, prejudice, being derived from ignorance, can only be illogical.

Let us take the current conception of the Transvaal white with regard to the Indian.

The first argument is that he is coloured; therefore he is an inferior. Next is that his habits of life are uncleanly. Afterwards we hear the so-called arguments about his way of living, of trading, of his morality.

But upon examination, what is it that we find? Mostly a heap of chaff that any puff of the fresh air of logical discussion will blow away in a cloud. It is too often forgotten by those, whose business it is to cry down coloured people, that the very demerits laid to the charge of the British Indian are equally attributable to the vast proportion of the lower-class continentals that come to the Transvaal to earn a livelihood, more or less honest.

Indeed many of these continentals are infinitely more dangerous from the popular point of view, than is the Indian. Moreover, who is it that is taking up this wonderful fight on behalf of progress and independence? Who, indeed, but the small trader, who, as often as not, is Jewish, Greek or Italian. And yet, what do we see in the whole thing? Sheer hypocrisy?

But recently a Royal Commission in England has closed its enquiry on the subject of the restriction of alien immigration into the British Isles. All the stock arguments were trotted out by the opponents of the alien immigration and were successfully met by the aliens.

Indeed, the more calmly one thinks over the whole subject, the more one stands appalled at the terrible and utter ignorance manifested by a race that arrogates to itself the right to rule with other so-called inferior races. That rule would appear to be the rule of the mighty over the weak, the rule of brute force, the rule of fear. Not a shred of calm, cold reason is adduced, nor do we hear the matter discussed, by the rulers from the point of view of the ruled. Let us take the popular "arguments" seriatim, and it will not be difficult to dispose of most of them. There is first this question of colour. It would seem that ethics enters but little into the question, for it does not, apparently, matter what is the intellectual or spiritual condition that exists in the coloured man his very colour bars him. This, then, is no argument; it is merely a prejudice. Alleged insanitation comes next. Well, how often has it not been proved that, given equal opportunities and favourable circumstances, the Indian is as cleanly in his habits as, if not more so, than the white man of his own class? Moreover, cleanliness of person and of living is a religious principle with the Indian, apart of his daily life. It is further urged against him that he lives on "the smell of a rag", as it is elegantly expressed; that he is content with a profit so infinitesimal that no white man could be satisfied with it. Is such an obligation consistent with our boast of superiority? And if the Indian sells cheaply, who benefits? Are the prices to be kept up for the sake of a few white traders? The story of the anti-Asiatic agitation that is going on in the Transvaal is not one of which any white man can be proud. It is time

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MR GANDHI'S ADDRESS BEFORE THE Y.M.C.A.

"Are Asiatics and the Coloured races a menace to
the Empire?"

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The Following address was given by Mr. M.K.Gandhi, Barr-at-Law, before the Y.M.C.A. Johannesburg in a debate in moving the negative on the question "are Asiatics and the coloured races a menace to the Empire?":-

It seems to me somewhat remarkable that a question of this description should have arisen at all, or that there should be any debate whatsoever as to whether coloured races are a menace to the Empire. I think that a question of that description could arise only in the Colonies, or, better still, only in some of the Colonies. In a well-ordered society industrious and intelligent men can never be a menace. If they have any defects the very order of the society corrects them. At the same time, we, as practical men and women living in this very practical age, have to face facts as they are, and, seeing the questions of this description arise in the Colonies, it is undoubtedly well that we should discuss them and debate upon them; and, to my mind, it is a very happy augury for the future that your humble servant can be called upon to give his views on the question before an audience like this, and I think it is also a happy augury that this hall is so well filled, showing the keen interest taken in the subject.

By the term "coloured people" generally I think we understand only offspring of mixed marriages, but, in connection with the question before us this evening, the term "coloured people" has been taken more comprehensively, and has been made to include the coloured people proper - the Africans and the Asiatics. My own observations and experience, as you know, are confined very largely to British Indians, my own fellow-countrymen, but, in studying the Indian question I have endeavoured to study the question as it affects the Africans and Chinese. It seems to me that both the Africans and the Asiatics have advanced the Empire as a whole; we can hardly think of South Africa without the African races. And who can think of the British Empire without India? South Africa would probably be a howling wilderness without the Africans; I do not think that the white man could have come to South Africa at all if there had been no native races.

This brings me to 'The White Man's Burden' as Kipling has called it. His writings to my mind have been very much understood. We know now also that he himself has very considerable, with extended experience, revised his views, and he no longer thinks that the coloured people are a menace to the Empire, or that the white man may not co-exist with the coloured man. Be that as it may, he has certainly shown in some of his writings that it was really a responsibility thrown on the white people, more particularly on the British people, to act as trustees for the coloured races. But have the white people acted as trustees? Would you consider that your own wards were a menace to yourselves. The majority of people in South Africa, the majority of people in most of the Colonies, have become impatient of colour, and believe every right minded man and woman to think twice before he or she jumps to conclusions that the coloured people are a menace and that, therefore, they ought to be got rid of with the greatest possible despatch.

We hear nowadays a great deal of the segregation policy, as if it were possible to put people in watertight compartments. Captain Cooke has written to the papers and has taken the trouble of discussing the same question with me, and has propounded a policy of segregation. I had no hesitation in telling him that in my own opinion based now on 14 years' observation and study, such a ^{if it} scheme was meant to people some portions of East Africa with coloured people only, or better still, with Asiatics only, was not possible of fulfilment. How are you going to restrict Asiatics to some parts of the earth only. Will they be content to have these portions of the earth which may be apportioned to them and which are unfit for white occupation? I have certainly never been able to find any justification for the colour barrier. In the words of Mr. Chamberlain, it is impossible to make distinctions on the ground of want of education, on the ground of criminality, or some such ground. Then there will be no cry of segregation. But for the present civilisation, or, rather, from western civilisation there flow two propositions, which have almost become maxims to live by - I call them fallacious maxims. They are "might is right" and "survival of the fittest". These who have propounded these

two maxims have given a meaning to them. I am not going into the meaning that might be attached in our minds to them, but they have said undoubtedly by "might is right" that physical might is right, that physical strength is right and supreme. Some of them have also combined intellectual strength with physical strength, but I would replace both these with the heart strength, and I say that nobody with merely physical might and intellectual might can ever enjoy that strength that can proceed from the heart. It can never be that mere intellectual or mere physical strength can ever supersede the heart-strength or, as Ruskin would say, social affections. A quickening and quickened soul responds only to the springs of the heart.

That is the difference between western and eastern civilisation. I know that I am treading on very dangerous and very delicate ground. We had the distinction given to us by so great an authority as Lord Selbourne only a short time ago. And I have very humbly and very respectfully to differ from His Excellency's views. It appears that western civilisation is destructive, eastern civilisation is constructive. Western civilisation is centrifugal, Eastern civilisation centripetal. Western civilisation therefore, is naturally disruptive, whereas eastern civilisation combines, I believe also that western civilisation is without a goal, eastern civilisation has always had the goal before it. I do not mix up or confuse western civilisation with Christian progress, I decline to believe that it is a symbol of Christian progress that we have covered a large part of the globe with the telegraph system, that we have got telephones and ocean greyhounds, and that we have trains running at a velocity of 50 or even 60 miles per hour. I refuse to believe that all this activity connotes Christian progress, but it does connote western civilisation. I think western civilisation also represents tremendous activity, eastern civilisation represents contemplativeness, but it also sometimes represents letargy. The people in India, the people in China - I leave Japan for the time being - having been sunk in their contemplative mood, have forgotten the essence of the thing, they have forgotten that in transferring their activity from one sphere of life to another

sphere of life, they had not to be idle, they had not to be lazy.⁴ The result is that immediately they find an obstacle in their way, they simply sit down. It is necessary that that civilisation should be quickened with the western spirit. Immediately that fact is accomplished I have no doubt also that the eastern civilisation will become predominant, because it has a goal. I think that you will see easily that a civilisation or a condition in which all the forces fly away from the centre must necessarily be without a goal, whereas those which converge to a point have always a goal. It is then necessary for these two civilisations to meet and we shall have a different force altogether, by no means a force that disunites, but a force that unites. The two forces are undoubtedly opposing forces, but perhaps in the economy of nature both are necessary. Only we, as intelligent human beings with heart and soul, have to see what these forces are, and have to use them, not blindly but intelligently, not anyhow and haphazard, but with a goal in view, immediately that is done there is no difficulty whatsoever in two civilisations meeting and meeting and meeting for a good purpose.

(To be continued)

MR. GANDHI'S ADDRESS BEFORE THE Y.M.C.A.

"Are Asiatics and the Coloured races a menace to the Empire?"

(Concluded)

I have said that the African races have undoubtedly served the Empire, and I believe so have the Asiatic races, or, rather, the British Indians. Have not the British Indians fought on many a battlefield? A people, moreover, who have religion as the basis of life cannot be a menace. And how can the African races be a menace? They are still in the history of the world's learners. Able-bodied and intelligent men as they are, they cannot but be an asset to the Empire. I believe with Mr. Creswell that they ought not to be protected. We do not want protection for them in any shape or form, but I do believe this - that they are entitled to justice, a fair field and no favour. Immediately you give that to them, you will find no difficulty. Whilst, therefore, Asiatics and other coloured people cannot be a menace, Asiatics at least have been made a menace in some Colonies. We have been told that Natal and Mauritius are awful examples to every white man throughout the world. I do not know that they are such awful countries, but I, at the same time, believe that if what happened in Natal had not happened, it would have been different - whether better or worse we are not at the present discussing; but, if these countries have been ruined, they have been ruined purposely by white men, or, rather, by a few of them who were in a hurry to get rich. If they had only bided their time and their opportunity, no such thing need, would, have happened. They did not hesitate to import indentured labour, which might be called semi-slave labour, from India. Posterity has to pay for it. If, therefore, Natal or Mauritius has suffered, it has suffered not from Asiatics as such, but from a system of labour of which Asiatics happened to form part. Had there been white indentured labour instead, the result would have been the same. It is not the free Indian population that can ever do harm whatsoever to the Colonies.

But I do also admit that there are some reasonable complaints with reference to the British Indians. I venture, however, to submit that these complaints have no real basis. It is complained

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that they live in dirty hovels. Yes, some of them do. They are said to live very cheaply. But if you were to examine these complaints, I think, you would come to the conclusion that they could be dealt with very easily and very effectively by municipal regulations. There are many complaints against the people living in the East End of London by the people living in the West End, but no one has suggested that, therefore, the people in the East End should be swept away. Sweep away the rack rent and the conditions prevailing in the East End, and its inhabitants will be just as good as those in the West End. Similarly also, sweep away the conditions under which British Indians are called upon to live, sweep away the condition that they cannot own a patch of land which they can call their own, that they cannot live, and move, and have their being on God's earth in South Africa with any degree of freedom, self-respect and manliness, and they will realise that in Rome they must live as the Romans do, and they will respond to every real and reasonable call that can be made upon them by the white man; but I ask you to be patient with them just as you would be patient with any fellow-man. Treat him as a real live human being, and you will have no such thing as the Indian question in the country. Please do not forget that I do not advocate that there should be absolutely free immigration. On the contrary, I have always said, and British Indians admit, that there may be regulation of immigration, but never based on colour. Anyone who is accepted as an immigrant ought to be entitled to all the rights that a man who lives in the country should possess. Whether he should have political rights or not is another question. I am not here to-day to discuss the political question at all. But there should be no two opinions as to whether he may live free without being restricted, own land, or trade honestly. British Indians and Englishmen have come together by Divine Providence. I may add, and I believe it is true, that when the British occupied India, it was not owing to humanitarian grounds, but that the act was selfish and often tinged with dishonesty. But Nature's ways are inscrutable. She often unmakes what man makes and produces good out of evil. Such is, in my opinion, the case with the

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British connection with India. I believe that the two races, the British and the Indian, have been brought together, not only for their own mutual satisfaction, but to leave an impress on the history of the world. Believing that, I also believe that it is well for me to be a loyal subject of the Empire, but not a member I hope of a subject-race. I trust it is the mission of the English race, even when there are subject-races, to raise them to the equality with themselves, to give them free institutions and make them absolutely free men. If that be the mission of the Empire, the mission of the British race, then is it not as well that the millions of human beings should be trained for self-government? If we look into the future, is it not a heritage we have to leave to posterity, that all the different races should combine and produce a civilisation that perhaps the world has not yet seen? There are difficulties and misunderstandings, but I do not believe, in the words of the sacred hymn "We shall know each other better when the mists have rolled away".

MR. GANDHI INTERVIEWED

Playing the game.

Mr. Gandhi made a statement to representatives of the Press immediately on his arrival at his office. He said : This campaign has undoubtedly shown one thing, if it has shown anything - that Indians in the Transvaal are deserving of self-respect and of being classed as men. The charge has often been brought against them that they are incapable of acting in concert for the common good. I think I can fairly claim for my countrymen that they have shown unexampled self-sacrifice. Hundreds of poor hawkers, rather than pay the small fines that were inflicted on them by the Magistrate, underwent the hardships of prison life, simply for the sake of principle. In the course of my practice I have not noticed many clients who have been willing to go to gaol when there has been the option of a fine. They have been willing to pay the heaviest fines if thereby they could avoid imprisonment. I must say that, to a certain extent, the cohesion that has been shown by the poorest Indians in the Colony has been an eye-opener even to me, and I have no doubt it has been to the Colonists. I think it might also, therefore, be claimed that if the compromise that has now been arrived at is honourable to Indians, as it undoubtedly is to the Government, Indians have figuratively bled for it. It is not possible for me to give an adequate idea of the sacrifice made by hundreds of Indians, and in this category I include those Indians who left the Colony because they did not consider themselves strong enough to brave the struggle. Merchants with large stocks in the Colony were perfectly resigned to any consequences, but they would not submit to a law which in their estimation degraded them. It was necessary, I think, for British Indians to show as much as they have before they could claim to be trusted, and in accepting the petition the Government have done nothing more than give British Indians three months' grace. We are now put upon our mettle. To my mind the real work commences only now. We have to play the game. We have to show the Government and to the Colonists that Indians as a body have nothing to do with surreptitious entry - that although there is no legal obligation we recognise a moral obligation to give the Government complete

identification of every Asiatic who is entitled to remain in the Colony or re-enter it, and if we succeed in doing that I think that the bitterest opponent of the British Indians will have to admit that those who prove their right to domicile and give the Government full particulars as to identification should not only be left in the Colony unmolested, but that they should have every encouragement, so that instead of remaining in the Colony as a festering sore they may so far as possible be assimilated and form part of the South African nation. I do think that the highest statesmanship in South Africa consists not of treating any class of its inhabitants as almost animals and pariahs, but it consists in treating them as men and raising them to a higher level. The question of unfair competition and such other questions crop up only because sometimes one notices cases of unfair competition, but all these matters can certainly be remedied if the different races living in South Africa were to be educated up to a proper sense of citizenship. By proper citizenship I don't for one moment claim that all the races should be clothed with the franchise, but I do claim that the dominant races should look forward to a time when those lower races will be raised higher in the scale. Looking at the whole question in that light, I for one have no hesitation in agreeing entirely with General Smuts' remarks with reference to the indentured Indians in Natal. As a matter of fact, the British Indians Association there has always admitted that indentured labour should be stopped, no matter at what sacrifice. Indians - that is, free Indians - have never countenanced nor wanted the system of indentured labour, and I admit that, but for the system of indentured labour in Natal, the Asiatic question would not have caused the trouble it has. I certainly believe that, so long as Natal continues to import indentured labour, so long will there be some trouble or other in connection with Asiatics, but I don't wish, in making this statement, to be understood as saying that indentured Indians, after regaining their freedom, have been flooding the Transvaal. I know such statements have been made before now, but I am positive there is absolutely no foundation for them, if only for the reason that the supervision over indentured Indians is very

strict, and no Indian from India is allowed to leave the Colony unless he has received his free pass. The Immigration Department of Natal is practically in a position to trace every indentured Indian. Questioned with regard to his experience in the Fort Mr. Gandhi said: So far as the gaol authorities are concerned, they could not have been more considerate. The Governor and all other officials were most kind and considerate. The Governor ^P paid a visit every day, and regularly enquired whether we had any complaints or requests to make, and, if there were any, they were promptly remedied. Any request that could be granted within the regulations was immediately granted. Facilities were given for taking out books from the Prison Library and for receiving books from outside. Mr. Gandhi added that, lest a remark in yesterday's Transvaal Leader should be misunderstood, he desired to state that the gaol premises, so far as he was concerned, were kept scrupulously clean, the only exception being a place where prisoners who could not be sent to their respective cells had to wait. This place was full of bugs, which came, however, from the wood-work, and its condition was not the fault of the gaol officials, but was due to the cramped space at their disposal.

Mr. Gandhi's Protest. 153

Mr. Gandhi has addressed the following letter to the Johannesburg Press:-

The Government are to be congratulated on boldly and honestly taking proceeding mainly against those only who have led the passive resistance movement against the Asiatic Act. That, indeed is the only method of testing the reality and universality of Asiatic feeling. But among those arrested are some who have never taken part in the agitation, and there are also remarkable omissions. Both these facts tell their own tale. Some have even suggested that one or two arrests are due to a private grudge. However, it is not my purpose in trespassing on your courtesy, to deal with this phase of the question.

The arrests have synchronised with the announcement of the Royal Assent to the Immigration Act. This shows that the Government intend to use their newly acquired power. They have now three strings to their bow viz., imprisonment and stopping of trade licenses, and deportation. All these powers have been taken or given in order to enable the Government, not to stop an influx of Asiatics, because no one wants it, and the Registration Act cannot stop it; not to avoid trade competition, because every Indian submitting to the Act can have as many licenses as and where he wants, but, to enable them to bend Indians to their will, to force them to do violence to their conscience; in short, by delivering a crushing blow, to unman them, so that they may become as wax in their hands.

Do the colonists know that deportation under the Immigration Act is worse than ordinary deportation? If I committed murder and were sentenced to deportation for life I should be sent to a place where I would be housed and fed even as the few native rebels sent from Natal to St. Helena are. But if I do not submit to the Asiatic Act I am deported, that is, put across the border or sent to India without a penny on me, if I do not possess private property, to shift for myself as best I can, the cost of deportation to be paid by me. And if I have a family in the Transvaal, so far as the Government are concerned, they will be allowed to die of starvation. And this, mind, is to happen to the men to whom Transvaal is their adopted home and India a foreign country for

purposes of earning a livelihood. Some of the Indians arrested are traders of fifteen years standing with wives born in South Africa and living in the Transvaal. One Chinaman came to South Africa a mere lad and knows China only in name. He was born and bred in Western institutions. All the Asiatics arrested are lawful residents in possession of documents entitling them to remain in the country. These men, because they do not violate their conscience, but violate the Asiatic Act, may not only be imprisoned but deported, in the above fashion, under a warrant signed by the Colonial Secretary! I do not say that those who do not comply with the law, even when non-compliance is due to the dictates of the conscience, should not be punished at all, but I do say that when the punishment is disproportionate to the offence it savours strongly of barbarism. And if the powers under the Immigration Act are exercised in respect of the Asiatic Law, an act of barbarism will have been committed in the name of the electors of the Transvaal. Will the people of this country chuckle with delight over such ruination of a whole people? What will the Guild of Loyal Women say regarding wives being kept without their natural protectors? I consider myself a lover of the British Empire a citizen (though voteless) of the Transvaal, prepared to take my full share in promoting the general well-being of the country. And I claim to be perfectly honourable and consistent with the above profession, to advise my countrymen not to submit to the Asiatic Act as being derogatory to their manhood and offensive to their religion. And I claim, too, that the method of passive resistance adopted to combat the mischief is the cleanest and safest, because, if the cause is not true, it is the resisters and they alone, who suffer. I am perfectly aware of the danger to good Government, in a country inhabited by many races unequally developed, in an honest citizen advising resistance to a law of the land. But I refuse to believe in the infallibility of legislators. I do believe that they are not always guided by generous or even just sentiments in their dealings with the unrepresented classes. I venture to say that, if passive resistance is generally accepted, it will once and for ever avoid the contingency of a terrible death struggle and bloodshed in the event (not impossible)

of the natives being exasperated by a stupid mistake of our legislators.

It has been said that those who do not like the law can leave the country. This is all very well, spoken from a cushioned chair, but it is neither possible nor becoming for men to leave their homes because they do not subscribe to certain laws enacted against them. The uitlanders of the Boer regime complained of harsh laws; they, too, were told that if they did not like them they could retire from the country, but they thought better and did not go. Are Indians, who are fighting for their self-respect, to slink away from the country for fear of suffering imprisonment or worse?

No, Sir, if I could help it, nothing would remove Indians from the country save brute force. It is no part of a citizen's duty to pay blind obedience to the laws imposed on him. And if my countrymen believe in God and the existence of the soul, then, while they may admit that their bodies belong to the state to be imprisoned and deported, their minds their wills and their souls must ever remain free like the birds of the air, and are beyond the reach of the swiftest arrow. General Smuts who puts trust in the tyrannical laws sanctioned by an obliging Secretary of State, forgets that those Asiatics who are fighting for conscience sake will not be bent by any machinery he may put in force. If, when the leaders are withdrawn, my countrymen succumb, we shall have deserved the law. Then, too, the cleanliness of passive resistance, that is Jesus' teaching "resist not evil" will have been justified.

LEADERS IMPRISONED.

Mr. Gandhi's valediction.

There was considerable commotion among the Indians community this morning (says the Star) when it became known that Mr. Gandhi and the other Indians and Chinese who were ordered to leave the Colony within 48 hours a fortnight ago were called upon to attend court for sentence. There was a large gathering outside of "B" Court at ten o'clock, and before the doors were opened word was circulated that the proceedings against the defaulters would not be taken until the afternoon. Mr. Gandhi availed himself of the opportunity the few hours' postponement allowed to address his countrymen. It was to be a valedictory exhortation to the rank and file of the Indians to stand firm during the incarceration of the leaders of the Passive Resistance movement. The meeting was held in the Mosque grounds, Newtown, at 11 o'clock, and despite the short notice of the meeting there was a large crowd. For the purpose of such meeting a platform had been erected on the grounds, and seating accommodation was provided by means of the serviceable paraffin tins which were strewn about in thousands. On the platform were Hasep Ismail Mia, chairman of the British Indian Association, an Indian priest in an artistic Oriental garb, and Mr. Gandhi. A few introductory remarks were made by Mr. Mia, and then Mr. Gandhi spoke. He was listened to with the greatest interest. Every eye was fixed on the slim central figure of Mr. Gandhi, and the meeting gave an indication of the hold he has upon his countrymen.

After his speech in Hindustani Mr. Gandhi spoke in English. He said he could not detain them for any length of time. The telephone message he had received that morning was that those who were under notice and whose period of notice had expired had to appear before the Court at 10 o'clock. Just as they were about to leave for the Court Superintendent Vernon came to inform them that they were to appear at 8 o'clock. He believed that those who had to go to gaol to-day were not at all afraid. On the contrary they considered that it was a fit opportunity given by the Government to serve their country and show that they were men, not dogs. All the same, he was superstitious enough to believe

that when these things were postponed from time to time, even though they might ultimately happen, they showed which way the wind was blowing, and they showed also that God was with them.

He thought he would not have had the opportunity of addressing his countrymen before accepting the free hospitality of His Majesty. But God had willed otherwise, and he was there to give them the last word probably for a month, or it might be two, it might be for six months, and the word he had to place before them was, "Do not deceive yourselves; do not deceive the Government; do not deceive your humble servant". He believed sincerely that that struggle had been undertaken at their desire; that when he placed before them the true position of the law all of them had said that it was not possible for them to submit to such a law - that rather than submit to a law of that nature they would suffer imprisonment, be banished from the country, lose everything that they possessed, rather than submit to the law.

That law, he repeated for the thousandth time, was not a question of giving a wife's name or a mother's name, or giving one thumb impression or ten digit impressions, although all these things were undoubtedly to be considered when they were compelled to give these things, but the sting lay in the spirit itself. Jesus Christ had said that no man had seen God because he was a spirit. Similarly it was not possible to describe in words the underlying spirit of the Act. Every Indian felt that spirit, and having felt it shunned it as he would shun Satan. The law was based upon the condemnation of the whole of the Indian community, and it did not matter a bit whether General Smuts said that he wished to treat them justly and fairly. Judgement should be pronounced upon his acts and not upon his words. What they saw was that by reason of false dignity the Government would not have what they wanted to give freely, but wanted to compel them to give as if they were slaves. Compulsion was possible in a matter of personal freedom only when it was slaves who were to be dealt with.

He well recalled an incident that happened when with Mr. Ally he went to England as their servant. A gentleman on board said

"I see you are going to London to get rid of your dog collar". Precisely; it was because they did not want to wear a dog's collar that they had put up that fight. They were willing to sacrifice everything for sentiment, but it was a noble sentiment. It was a sentiment that had to be cherished as a religious sentiment. It was a sentiment that bound people together; it was a sentiment that bound creatures to the Creator. That was the sentiment for which he had asked them, advised them if necessary to die. Their action would be reflected throughout the British dominions, through the length and breadth of India, and they were now upon their trial. He did consider that General Smuts had performed an honourable action and arresting them and wishing to lodge them in gaol. He (General Smuts) was quite justified in believing, because of the reports he had read, that the whole of this agitation depended on a few Indians. If it depended on a few Indians only, and if the whole of his countrymen had not been acting together throughout the past sixteen months, then he thought that they proved that they deserved the Act. But if after he and his colleagues were safely out of harm's way they remained firm, stuck together, and were prepared to suffer every inconvenience and to lose all, then he had not the slightest doubt that they would gain all, gain the estimation of all the reasonable Colonists whose estimation was worth prizing. If they submitted to the Act it was true that they would be able to live a dog's life, and had earned the Colonist's kicks. The gates of the Registration Office it was highly probable would be flung open once more immediately he and his colleagues had retired from the scene, but he did hope that whatever they had said in public, whatever they had prayed for in secrecy before their God, they would carry out to the bitter end. He hoped that no terrorism, no intimidation, no amount of meetings held by their fellow subjects, if he might call them so, held by European British subjects would deter them from the action that they had embarked upon. There was no terror and no fear for a man who believed in God.

No matter what might be said he would always repeat that that was a struggle for religious liberty. By religious he did not mean formal religion, or customary religion, but that religion which underlay all religions, which brought them face to face with their Maker. If they ceased to be men, if on taking a deliberate vow they broke that vow in order that they might remain in the Transvaal without physical inconvenience, they undoubtedly forsook their God. To repeat again the words of the Jew of Nazareth, those who would follow God had to leave the world, and he had called upon his countrymen in that particular instance to leave the world and cling to God as a child would cling to the mother's breast. If they did that he had not the slightest doubt that this struggle could have but one issue.

It did not matter what General Smuts thought today, but it would matter what he thought a month hence, when they had shown, every one of them, that they were men. He had not the slightest doubt that General Smuts had sufficient humanity in him to recognise the sincerity of purpose, the real feeling that underlay the community, and if they showed to him that the majority of Indians were not going to accept the Act, but would rather suffer imprisonment and degradation, forfeiture of all their goods, then General Smuts, without anybody going to him, would say, "Yes these are the people I shall prize as my citizens; these are the people whom I shall prize as fellow citizens with me and who will be of service to the State". But if they did not take up that position, then General Smuts would certainly also say, "Yes, 10,000 Indians may remain in the Colony. We can keep them as dogs and allow them to die their natural death". Their natural deaths they would die far out of the Transvaal, wherever there was a piece of earth given them, but if they would die a noble death, a man's death, there was only one course open to them. If, perchance, even after they had taken the course it came to pass that every one of them had to leave the Transvaal, then was it not better that they should leave as men than remain as cowards who had gone back upon their sacred resolution taken at the old Empire Theatre?

JUDGMENT.

MAHOMED and YUSUF Vs THE IMMIGRANTS APPEAL BOARD.

MATTHEWS, A.J. This matter came before the Court as a question of law stated by the Board in the form of a special case under subsection (2) of section three of Act No. 33 of 1913.

The appellants are Asiatics. Both are under the age of 18 having been born in 1910 and 1913 respectively. Both were born in the Transvaal. Their father was born in Natal and has never been outside South Africa since his birth, their Mother was born in Kimberley. About the year 1905 the father left Natal with the Mother and made Pietersburg in the Transvaal his usual place of abode, he has registered himself, his wife and children there under the Transvaal Laws relating to the registration of Asiatics. In 1905, about the time he left Natal, he and his wife became holders of certificates of domicile under the Natal Immigrants Restriction Act No. 30 of 1903, and are both free to enter and reside in Natal free of prohibition. Since 1915 however, he has never resumed residence in Natal but has visited it for special or temporary purposes.

Neither of the two - the appellants has ever satisfied an officer appointed under Natal Act 30 of 1903, as amended by Act 3 of 1906 of his right to enter and reside in Natal.

After first hearing argument on the special case, the Court under the powers conferred upon it by section 3 (2) of Act 22 of 1913 called for further information by the Board as to whether either of the two appellants had ever been in Natal. The Board's answer is that one appellant (Mahomed) was in Natal in October, 1915, and the other (Yusuf) in May, 1919, but only for temporary purposes and during these periods did not reside in Natal with their parents, who remained and still are domiciled at Pietersburg in the Transvaal. Such are the material facts stated by the Board.

Mr. Fred Klette, clerk in "B" Court went into the witness-box and produced the records of the case Rex v Gandhi heard in that Court on the 28th of December. Defendant was on that occasion ordered to leave the Colony within 48 hours. Witness served a written order personally on the accused.

On being asked by the Magistrate if he had any questions to ask, Mr. Gandhi replied "No, Sir".

Superintendent Vernon, "B" Division, said that at 2 p.m. that afternoon he arrested the accused for failing to comply with the order. He had seen the accused repeatedly from the date order was made until today.

Mr. Gandhi had again no question to ask.

Mr. Schuurman intimated that this was the case.

Mr. Gandhi asked leave to make a short statement, and, having obtained it, he said he thought there should be a distinction made between his case and those who were to follow. He had just received a message from Pretoria saying that his compatriots had been tried there and received three months' imprisonment with hard labour; and they had been fined a heavy amount, in lieu of payment of which they would receive a further three months' hard labour. If these men had committed an offence, he had committed a greater offence, and he asked the Magistrate to impose upon him the heaviest penalty.

Mr. Jordan: You asked for the heaviest penalty which the law authorised?

Mr. Gandhi: Yes, sir.

Mr. Jordan: I must say I do not feel inclined to accede to your request of passing the heaviest sentence, which is six months' hard labour with a fine of £500. That appears to me to be totally out of proportion to the offence which you have committed. The offence practically is contempt of Court in having disobeyed the order of December 28th. This is more or less a political offence, and if it had not been for the defiance set to the law I should have thought it my duty to pass the lowest sentence which I am authorised by the Act. Under the circumstances I think a fair sentence to meet the case would be two months' imprisonment without hard labour.

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The case of John Forteen, the Chinese student, was next called. The clerk of the Court, Frederick Clette, produced the records of his Worship's sentence on December 28th ordering accused to leave the Colony within seven days.

Superintendent Vernon gave evidence that he arrested the accused at 3 p.m. that afternoon.

The accused said he did not wish to say anything.

The Magistrate sentenced the accused to two months' imprisonment without hard labour.

C.N. Pillay was the next called. He was ordered on the 28th. December to leave the Colony within 48 hours. Formal evidence was given as in the other cases. In reply to the usual question accused said: I am simply here to receive the sentence of the Court.

The Magistrate: Two months' imprisonment without hard labour.

F.K. Naides after formal evidence had been given said: I am here to receive the sentence of the Court and to maintain the honour of my nation and my self-respect. He was also sentenced to two months' ^{without} hard labour.

The next case was that of the Chinaman, Martin Easton, who had nothing to say and took the sentence of two months without hard labour very philosophically.

Mahomed Cadwa was the last on the list. He wore his fez, salaamed the Court on his name being called, and in a loud voice replied to the charge: "I am Guilty".

Mr. Schuurman called attention to the fact that if the accused remained in the Colony seven days after the expiration of his sentence he was liable to a sentence of from six to twelve months.

Mr. Jordan said he had already drawn attention to that when the order was made.

Accused was then sentenced in the same terms as those preceding him.

There was a big crowd outside the Court at the commencement of the proceedings, but when the Magistrate adjourned the case to get a little fresh air, after the Asiatic cases, it had swelled

to enormous proportions, practically every Asiatic in the town being present. One or two mounted police troopers on duty amongst the crowd set about dispersing the gathering and soon as the news that the proceedings were over got about a large majority of the Indians produced little black flags of crepe and waved them over their heads, at the same time raising shrill cries. There was a good deal of crowding to get out of the courtyard, but when the assembly surged out into Meff street some sort of procession was formed headed by a big black flag on a long pole. The procession took its way round the southern side of the Courts into Rissik Street and then across Market Square and by President Street in the direction of the Newtown Mosque. All along the route black flags were waved on high, and there was a good deal of shouting, the only words which could be distinguished, owing to their frequent repetition, being some remarks about the British Empire.

"LEADER" INTERVIEW WITH MR GANDHI.

Late on Thursday night, a Leader representative interviewed Mr. Gandhi at the settlement. In the course of the interview, Mr. Gandhi remarked:

"The compromise arrived at is largely the same that was offered by the Asiatic communities before proceedings under the Registration Act were commenced. This compromise will give complete identification of every Asiatic over the age of 16 years in the Colony, and those who may be entitled to remain in or re-enter. The main distinction between the Act and the identification under the offer will consist in a sting of compulsion being removed. The compromise puts Asiatics on their honour and responsibility, and if it is not carried out faithfully by my countrymen I have no doubt that our position will be deservedly worse than it would have been under the Act. But I do not anticipate any difficulty. With reference to the wholesale arrests that have taken place during the last three weeks, I do not think that the Asiatics can have any cause to grumble; that procedure was necessary in order to test the intensity - as also the reality - of our feeling about the Act. I may state that we who were at the Fort were allowed to petition the Government offering once more voluntary registration, and the course adopted by the Government was in response to that petition. In my humble opinion the Government have shown real strength in acceding to that request. I would further and at this stage say that the leaders of the Asiatic communities, so far as I am aware, will loyally abide to the decision of the colonists to avoid further immigration of Asiatics not entitled to enter by reason of previous domicile".

THE BEGINNING OF REGISTRATION. 165

Mr. Gandhi and others assaulted.

Shortly after a quarter to ten on Monday morning, Mr. Gandhi with other leaders left his office to attend upon the Registration Officer of Asiatics, at Van Brandis Square in order to make application for registration under the new voluntary arrangement. He was passing along Van Brandis Street when, outside the premises of Messrs. Arnet and Gibson, not more than three minutes walk from the Registration Office some 8 Panjabs and Pathans accosted Mr. Essep Mia, the Chairman of the Association, and Mr. Gandhi and asked them where they intended to go. Upon it being explained to them that the leaders were going to the Registration office to make application for registration, the further question was put as to the manner in which they intended to register. The answer was that they intended to give ten finger impressions, if, however any man had conscientious objections to giving ten finger impressions, he need only give an impression of the two thumbs, making at the same time, a statement as to the nature of his objection. Apparently, the reply was not satisfactory, for one Pathan named Meer Allam Khan raised a heavy stick which he was carrying and struck Mr. Gandhi a terrific blow aimed with the intention of killing him on the spot. The stick missed the spinal cord, fortunately, but felled Mr. Gandhi to the ground senseless. Mr. Gandhi in falling struck his head against a jagged stone, with the result that his upper lip and cheek were badly lacerated and a tooth loosened, whilst his forehead just above the eye struck another stone, and a third stone just missed the eye itself. Whilst on the ground, several of the Pathans dealt terrible blows upon Mr. Gandhi's body, one of the men being armed with an iron stick. Mr. Thambi Naidee and Mr. Essep Mia hastily intervened, but Mr. Essep Mia was soon put out of action by a blow upon the hand, which slightly injured the fingers, and he thereupon hastened into Messrs. Arnet and Gibson's offices to seek help. Meanwhile, Mr. Thambi Naidee engaged the attention of Meer Allam, who rained blow after blow upon him, which, fortunately Naidee was able to ward off by means of an umbrella which he was carrying at the time. Eventually the umbrella broke, and one

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mere blow felled Haidee to the ground, his head being badly gashed and, when he was on the ground, further blows were struck at him and he was considerably bruised. Assistance now came from Messrs. Arnet and Gibson's office and a number of Europeans, including constables, hastened to the scene and eventually put an end to the disturbance. All the Pathans with the exception of Keer Allam managed to escape. Keer Allam, however, was arrested, together with a certain Abdul Rahman, a Konkni, who had also taken part in the assault, and these men were detained by the police inside Messrs. Arnet and Gibson's offices and were eventually taken to Marshall Square where they awaited the formal charge to be laid against them. Meanwhile, Mr. Gandhi had issued definite instructions that he refused to prosecute under any circumstances. He was picked up by kind friends just as he was recovering consciousness and carried into Mr. J. C. Gibson's private office, where he lay prostrate on the floor whilst Dr. Thwaites, a medical man, was sent for. Dr. Thwaites immediately examined the wound and pronounced Mr. Gandhi out of any immediate danger. He also examined Mr. Thambi Haidee's wound, and asked Mr. Haidee to go off immediately to the hospital to be attended to. Mr. Haidee was afterwards told that he would not be needed any longer at the hospital after he had been bandaged. Meanwhile the Rev. Mr. Daks, who had been talking with Mr. Pelak at the Registration office, awaiting Mr. Gandhi's arrival there, and who followed Mr. Pelak hastily on the receipt of the news, suggested that Mr. Gandhi, instead of being taken to the hospital should be taken to his own house where he could be attended to, and the suggestion was immediately acted upon. Mr. Gandhi was accompanied to Mr. Daks's house by Mr. Daks himself, Mr. Channey, who had been hastily summoned, and a constable. Mr. Gandhi, however, was very eager that there should be no delay in starting registration and he accordingly begged Mr. Channey to allow him to register immediately and fulfil his promise. Mr. Channey accordingly sent for one of his clerks who shortly afterwards arrived at 163 Smit Street, Mr. Daks's residence, and there Mr. Gandhi made formal application for registration, giving every particular required by the form which had been mutually agreed

on between the leaders of the Indian community and Mr. Smuts which form, of course, makes no mention whatever of the Registration Act. Mr. Gandhi also, although in great pain, gave ten digit impressions and then the simultaneous impressions of the four digits of each hand, the object being to show that there was nothing degrading in the mere giving of finger-impressions, it was a voluntary act and not under a degrading, humiliating Law like criminals. The Doctor now made preparation to make a further examination of Mr. Gandhi's injuries. Eventually, he said that the face and lip would have to be stitched up, and accordingly five stitches were put in, whilst the remaining injuries which were in the nature of severe bruises and contusions were bandaged up.

This brutal attack effectively upset all the arrangements for registration. As if to intensify the nervousness and irritation, by a foolish error, some five receipt forms were issued by the registration officials on which the words "Registered under the Asiatic Law" Amendment Act" had not been obliterated. The result was to immediately arouse the suspicions of the people, who thought they were being trapped to registering under the Law. There is no doubt that it will take considerable time to allay this uneasy feeling, and, since then, owing to another stupid mistake of a similar nature, it has been found necessary to re-print the form of receipt.

The Chinese have steadfastly refused to register under the new arrangement, as they feel they have sworn an oath not to give ten finger impressions. They are quite willing to give two thumb impressions. They have not yet realised that nobody at all is obliged to give the ten finger impressions, but that he would do it as an act of duty and wisdom, in view of the fact that upon the satisfactory carrying out of a sensible arrangement within the next three months will depend the new legislation that will be brought forward when Parliament meets.

There is no doubt that all along the community has led the Government to believe that there was no opposition to fingerprints as finger-prints, but only when it was a matter of compulsion under a Law that degraded, the associations being then criminal, and naturally the Government expect that the community as a whole,

now that the element of compulsion has been removed, will not make any ado about a matter which is on the part of the community, an act of grace. Unfortunately, the Government itself is not free from blame seeing that the officials have, in many instances, created the impression that the ten finger impressions were going to be compulsorily demanded, and one or two tactless mistakes have not made the position easier. Mr. Harris, the expert adviser from India, who has been brought to the Transvaal in order to thoroughly go into the question of the personnel of the Civil Service with a view to retrenchment, has been attached to the Registration office in order to advise in cases of difficulty, owing to his expert knowledge of Indian peoples.

Registration is going on more satisfactory now; and, on Wednesday, many of the leaders made application and with them a number of other - Hindus and Mahomedans alike. The statement that there is a split between the two faiths is absolutely incorrect. No distinction is being made, for, as explained above, practically all the leaders - both Hindu and Mahomedan - registered by Wednesday afternoon. There is not likely to be any considerable hitch in the work of further registration except through some mistake on the part of some officials. The community is realising the significance of the present proceeding, and is readily falling in with the settlement arrived at. Mr. Gandhi himself is progressing rapidly towards recovery. The wounds are healing well, the bruises are disappearing, and he is getting through a good deal of work. He has been staying with the Rev. Mr. Deke, who, with his wife, has ministered to his comfort in a truly Christian manner. Everything that was possible was done for Mr. Gandhi's convenience, and, as a matter of fact, Mr. Deke's house has been used more as a reception room than anything else, as Mr. Gandhi has been receiving a constant stream of visitors - both Indian and European - since last Monday. A large number of telegrams of thank was received by Mr. and Mrs. Deke from all parts of South Africa, and many passages of regret at what had happened were received by the British Indian Association.

Meer Allam Khan and Abdool Rahman, two of the men who assaulted

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assaulted Mr. Gandhi, the former being the chief assailant were re-arrested on Tuesday afternoon by Supt. Vernon. They were brought before Mr. Jordan on Wednesday afternoon at two o'clock.

Mr. Van Diggelen and Mr. Reuter announced that they appeared for the defence. Mr. Reuter said he had been instructed by a friend of the accused, while Mr. Van Diggelen claimed to be instructed by the accused. The accused were given a choice of representatives and Mr. Van Diggelen was selected. He at once asked for a remand.

The Public Prosecutor, while not objecting, said he had all his witnesses present and was prepared to go on.

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Mr. Gandhi's letter to the Press.

Johannesburg.

February 10th 1908.

My Dear Friends,

I am well in the brotherly and sisterly hands of Mr. and Mrs. Doke. I hope to take up my duty shortly.

Those who have committed the act did not know what they were doing. They thought that I was doing what was wrong. They have had their redress in the only manner they know. I therefore request that no steps be taken against them.

Seeing that the assault was committed by a Mahomedan or Mahomedans, the Hindus may feel hurt. If so, they would put themselves in the wrong before the world and their Maker. Rather let the blood spilt today cement the two Communities indissolubly such is my heartfelt prayer. May God grant it.

Assault or no assault, my advice remains the same. The large majority of Asiatics ought to give finger prints. Those who have real conscientious scruples will be exempted by the Government. To ask for more would be to show ourselves as children.

The spirit of passive resistance rightly understood should make the people fear none and nothing, - but God - no cowardly fear therefore, should deter the vast majority of sober-minded Indians from doing their duty. The promise of repeal of the Act against voluntary registration having been given, it is the sacred duty of every good Indian to help the Government and the Colony to the uttermost.

I am,

Your faithful friend and servant

M.K.Gandhi.

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Mr. Gandhi said that he felt, in coming to meet the Tamil brothers and sisters, as if he came to meet blood relations. That was a sentiment which he had cherished now for many years, and the reason was quite simple. Of all the different sections of the Indian community, he thought that the Tamils had borne the brunt of the struggle. The largest number of deaths that Passive Resistance had taken had been from the Tamil community. They had that morning gone to the cemetery to perform the unveiling ceremony in connection with the two memorials to a dear brother and sister. Both of these had been Tamils. There was Maryansamy whose bones lay at Delecca Bay. He had been a Tamil. The deportees had been Tamils. The last to fight and come out of gaol had been Tamils. Those who were ruined hawkers were all Tamils. The majority of the Passive Resisters at Tolstoy Farm had been Tamils. On every side, Tamils had shown themselves to be most typical of the best traditions of India, and by saying that he was not exaggerating in the slightest degree. The faith, the abundant faith in God, the faith that the Tamils had shown had been one of the most sustaining forces throughout those long-drawn years. The majority of women to go to gaol were Tamils. The sisters who defied the authorities to arrest them and had gone from door to door, and barracks to barracks at Newcastle, to ask the men to lay down their tools and strike work - who were they? Again, Tamil sisters. Who marched among the women? Tamils, of course. Who lived on a pound loaf of bread and a pound of sugar? The majority were Tamils; though there he must give their due also to those of their countrymen who were called Calcutta men. In that last struggle they also had nobly responded, but he was not able to say quite so nobly as the Tamils; but they had certainly come out almost as well as the Tamils had, but the Tamils had sustained the struggle for the last eight years and had shown of what stuff they were made from the very beginning. Here in Johannesburg they were a handful, and yet, even numerically, they would show, he thought, the largest number who had gone to gaol again and again; also if they wanted imprisonment wholesale it came from the Tamils. So that he felt when he came to a

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Tamil meeting that he came to bleed-relations. The Tamils had shown so much pluck, so much faith, so much devotion to duty and such noble simplicity, and yet been so self-effacing. He did not even speak their language, much as he should like to be able to do so, and yet they had simply fought on. It had been a glorious rich experience, which he would treasure to the end of his life. How should he explain the settlement to them? They did not even want it. But if he must he could only tell them that all that they and theirs had fought for had been obtained and obtained largely through the force of character that they had shown; and yet they did not want, they had not wanted to reap the reward, except the reward that their own consciences would offer them. They had fought for the Cape entry right for Colonial-borns. That they had got. They had fought for just administration of the laws. That they had got. They had fought for the removal of the racial taint in the law with reference to the Free State. That they had got. The 25 Tax was now a matter of the past. And with reference to the marriage question, all these dear sisters who had gone to gaol could now be called the wives of their husbands, whilst but yesterday they might have been called so out of courtesy by a friend, but were not so in the eye of the law. That was one of the things that they had fought for and got. Truth was what they had been fighting for, and Truth had conquered - not he or they. They might fight tomorrow for an unrighteous thing, and as sure as fate they would be beaten and well beaten. Truth was unconquerable, and whenever the call to duty came he hoped they would respond. There was one thing more. They had sometimes as every other section of the community had, jealousies amongst themselves. They had petty jealousies not in connection with the struggle, but in matters that had nothing to do with the struggle. All these petty jealousies and differences he hoped would go, and they would rise higher still in the estimation of themselves and of those who at all grew to know them and the depth of the character which they had.

They had also, as all sections of the Indian community had, not only those jealousies but sometimes many bickerings also, and petty quarrels. He felt these also should be removed especially from their midst, because they had shown themselves so fit to give themselves to the Motherland. And here, of course it was a Tamil who had given his four sons to be trained as servants of India. He hoped Mr. and Mrs. Naidee knew exactly what they had done. They had surrendered all right to those children for life, and they could not possibly do anything to advance their material well-being, but had always to remain servants of India. It was no joke, and yet Mr. and Mrs. Naidee had certainly done that. He would not appeal to them too strongly that they of all sections should rid themselves of all those bickerings, petty jealousies and quarrels amongst themselves. He would also ask them whenever they chose a President or a Chairman to obey him, to follow him, and not always to listen to the views of this or that man. If they did that their usefulness would be curtailed. And then too they should not worry if others and not they might reap the reward. Their reward would be all the greater if it was not of this earth; they were not fighting for material reward, and a true Passive Resister never thought of material reward. They should not worry about material prosperity, but always have higher things before them. Then indeed they would be like the leaven working in the community which could raise the community as one to look up to. The privilege was certainly theirs and time also was at their disposal, and if they make good use of that time it would be a splendid thing for the whole of South Africa, and would certainly be a splendid thing for them; and if he heard in India that all those little things to which he had drawn attention had also been got rid of by the Indian community he would indeed be rejoiced. One thing more. He had known something of Madras, and how sharp caste distinctions were there. He felt they would have to come to South Africa in vain if they were to carry these caste prejudices with them. The caste system had its uses but that was an abuse. If they carried caste distinctions to that fatuous extent and drew those distinctions, and called one another high and low and so on, these things would be their ruin.

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They should remember that they were not high caste or low caste but all Indians, all Tamils. He said Tamils, but that was also applicable to the whole Indian community, but most to them because most was expected of them.

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Mr. Gandhi in returning thanks, first explained why he appeared in the mourning costume which he had been wearing since the time of the strike. He hoped they would forgive him for appearing in the strange costume, which he had adopted as on his premature discharge from prison, as a sign of mourning. The mourning had gone, yet he retained the costume, and as the alternative was for him to wear evening dress, he felt that in the mental attitude which possessed him at that moment he could not render a greater respect for them than in appearing as he did. Referring to the addresses which had been presented to him, he said that while he valued them, he valued more the love and sympathy which the addresses had expressed. He did not know that he would be able to make adequate compensation. He did not deserve all the praise bestowed upon him. Nor did his wife claim to deserve all that had been said of her. Many an Indian woman had done greater service during the struggle than Mrs. Gandhi. He thanked the community on behalf of Mr. Kallenbach, who was another brother to him, for the addresses presented. The community had done well in recognising Mr. Kallenbach's worth. Mr. Kallenbach would tell them that he came to the struggle to gain. He considered that, by taking up their cause, he gained a great deal in the truest sense. Mr. Kallenbach had done splendid work during the strike at Newcastle, and when the time came, he cheerfully went to prison, again thinking that he was the gainer and not the loser. Preceding, Mr. Gandhi referred to the time of his arrival in 1897, when his friend Mr. Laughton had stood by him against the mob. He also remembered with gratefulness the action of Mrs. Alexander, the wife of the late Superintendent of Police in Durban, who protected him with an umbrella from the missiles thrown by the excited crowd. Referring to Passive Resistance, he claimed that it was a weapon of the purest type. It was not the weapon of the weak. It needed, in his opinion, far greater courage to be a Passive Resister than a physical resister. It was the courage of a Jesus, a Daniel, a Cranmer, a Latimer and a Ridley who could go calmly to suffering and death, and the courage of a Tolstoy who dared to defy the Csars of Russia, that stood out as the greatest. Mr. Gandhi said he knew that the Mayor had

received some telegram stating that the Indians' Relief Bill was not satisfactory. It would be a singular thing if in this world they would be able to get anything that satisfied everybody, but in the condition of things in South Africa at the present time he was certain they could not have had a better measure. "I do not claim the credit for it" Mr. Gandhi remarked "It is rather due to the women and young ~~whit~~ people like Nagappan, Narayansamy, and Vall iaman who have died for the cause and to those who quickened the conscience of South Africa. Our thanks are due also to the Union Government. General Botha showed the greatest statesmanship when he said his Government would stand or fall by this measure. I followed the whole of that historic debate - historic to me, historic to my countrymen, and probably historic to South Africa and the world! Proceeding, Mr. Gandhi said that it was well known to them, how the Government had done justice, and how the Opposition had come to their assistance. They had also received handsome help from both the Imperial and Indian Governments, backed by that generous Viceroy, Lord Hardinge. The manner in which India, led by their great and distinguished countryman, Mr. Gekhale, had responded to the cry which came from the hearts of thousands of their countrymen in South Africa, was one of the results of the Passive Resistance movement, and left, he hoped, no bitter memories or bitter traces. "This assurance" continued Mr. Gandhi, "I wish to give. I go away with no illwill against a single European. I have received many hard knocks in my life, but here I admit that I have received those most precious gifts from Europeans - love and sympathy." This settlement, he said, had been achieved after an eight years struggle. The Indians in South Africa had never aspired to any political ambition, and as regards the social question, that could never arise in connection with the Indians. "I do not hold for one moment" Mr. Gandhi exclaimed "That East and West cannot combine. I think the day is coming when East must meet West, or West meet East, but I think the social evolution of the West to-day lies in one channel, and that of the Indian in another. The Indians have no wish today to encroach on the social institutions of the European South Africa

Most Indians are naturally traders¹⁷⁷. There are bound to be trade jealousies and these various things that come from competition. I have never been able to find a solution of this most difficult problem, which will require the broad-mindedness and spirit of justice of the Government of South Africa to hold the balance between the conflicting interests".

Referring to his stay in South Africa Mr. Gandhi said that he should retain the most sacred memories of the land. He had been fortunate in forming the happiest and most lasting friendships with both Europeans and Indians. He was now returning to India - a holy land, sanctified by the austerities of the ages. In conclusion, Mr. Gandhi hoped that the same love and sympathy that had been given to him in South Africa might be extended to him, no matter in what part of the world he might be. He hoped that the settlement embodied in the Indians' Relief Bill would be carried out in a spirit of broad-mindedness and justice in the administration of the laws lately passed in connection with the affairs of the Indian Community. "Then" added Mr. Gandhi "I think there will be no fear on the part of my countrymen in their social evolution. That is one of the lessons of the settlement".

"To you ^{Rishi} Mr. Bawa and to Mrs. Sarojini Naidu, I can only say that you have both overwhelmed me, I do not even know that I can struggle through what I have to say. I would make the briefest reference to the tremendous crisis which has overwhelmed the Empire. Since we reached England and heard the news I have been reading and thinking about it. I think of the husbands and sons who have gone to fight, of mothers, wives, and sisters who are left weeping behind. I ask: What is my duty? I am an exile of 21 years from my Motherland, so cannot speak as a representative of the imaginary India which my friends tell me I have pictured. If I were in South Africa I should certainly speak as the representative of my people. I have not yet come to any conclusion, but trust we can do something in concrete shape. I hope those of you who are as young as I am, those who are fellow-students of mine - I am still a student - will think what can be done, consult with our elders and follow their advice if it commends itself to our consciences.

"It is impossible to express in adequate terms the sense of gratitude which Mrs. Gandhi and I feel to you all. We come among you almost as barbarians. We have lived isolated on a little farm, cut off from the cities. That is why I said we were "barbarians" We have worked in the limelight, and you have seen what we have done in an exaggerated form. If we merit any appreciation, how much more those behind us, who went into the battle with simple faith, and no thought of appreciation.

"What will you say to Harbatsingh, an ex-indentured Indian, 75 years of age, who was with me at Volksrust Gaol? He was 6 feet tall and of noble carriage. 'Why have you come?' I asked. 'How could I help it?' was his reply; in the evening of my days I am content to pass the rest of my life in prison to deliver my countrymen'. He remained in gaol and died there".

"What do you think of the young lad, Narayansamy, whose parents came from what is falsely called the Benighted Presidency Madras? He had never seen India except as a deportee; he starved for some days when he returned. He died.

"And what of Nagappan, another lad from Madras, who suffered imprisonment. He worked as a prisoner on the African veldt in the bitter cold of the winter in the early morning when there was no sun. You know what the cold of a London winter is like but few of you knew the biting cold of the early mornings of winter on the veldt. Unfit for work, he still held on, but at last he died.

"Then there is Sister Valliamma, a girl of 18. She went to prison and was only discharged when she was very ill. I remember well when Mr. Polak and I went to see her; how we lifted her with greatest care on to her carpet, and tended her to the best of our powers. She died, leaving thousands of Indians in South Africa to mourn the loss".

"There were 20,000 strikers who left their tools and their work because there was something in the air. People said that they did not know why they struck. There was a half-truth in that saying; they went out in faith. Violence was entirely eschewed. These men and women are the salt of India; on them will be built the Indian nation that is to be. We are poor mortals before these heroes and heroines.

"But victory is due not only to their work. They quickened the conscience of the Empire and South Africa. Success was due also to the help given by the Netherland in the hour of trial of her sons and daughters, led by that saintly politician, Gopal Krishna Gokhale; to the stand made by India; and to the action of that great Viceroy, Lord Hardinge. Success would however have been impossible had not the conscience of South Africa quickened, had not the people realised the moral force which Indians could bring to bear against brute force.

"Marching over the veldt, last November, Europeans came to our aid. I have spoken elsewhere of unreasonableness and unreasoning prejudice; but the masses stood aside; they never

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worried us; and during the march they helped us and showed us practical sympathy.

"The Betha Government too played the game. Mr. Smuts said to me: 'We do not want any misunderstandings; we want all the cards on the table. Take these documents, read them, come to me again and again if you are not satisfied. we will make changes' and he did.

"You see many things conspired to enable the settlement to be made. But I must mention one more; Mr. Andrews. You have no notion what he did; how he worked in selfless zeal; preaching love for India through his Master - the poet-saint at Beljpur, whom I have come to know through Mr. Andrews - Rabindranath Tagore".

"I have called the settlement the Magna Charter of the British Indians of South Africa; after due deliberation I repeat my statement. It is the Magna Charta of British Indians, not only because of its substance, which is great enough, but for its spirit, which indicates a change of attitude on the part of South Africa and South African Government. The sufferings of our countrymen sealed the settlement. The discovery was made that the ancient force could be applied in South Africa; conviction came after the sufferings of eight long-drawn-out tears. They saw the Indians, when in earnest were irresistible that they would not take a bit less than the minimum they demanded.

"Mr. Cartwright is here; he has been our staunch friend throughout and I honour him for his help. But I tell him here that he almost tried to weaken us. I remember, and he will remember, how he came to me in Johannesburg goal and said: 'Will not this letter do?' He Mr. Cartwright was my reply, not until this alteration is made'. But everything is achieved by compromise, he urged. 'There can be no compromise on principles,' I answered. There never was any compromise on principles from 1906 to 1914.

"The settlement is final on all points of our Passive Resistance, but not of all our grievances. Grievances remain

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which will have to be redressed in no distant future. But I hope it will not be by way of passive resistance. They are capable of settlement by pressure of Indian public opinion. by pressure from Downing Street, and from Delhi or Calcutta. The attitude of South Africa has changed; that is our greatest asset. On our behaviour depends the future settlement of South Africa.

"I thank again, on behalf of Mrs. Gandhi and myself, Mr. Bhanu Bhan and Mrs. Bhan for all their kind words. But you have only seen the bright side.; you do not know our weaknesses. Indians are altogether too generous; they overlook faults and magnify virtues; this has led us to incarnating our heroes. I think what is written in our scriptures that it is our duty to fly away from praises, we must lay them all at the feet of the Almighty. I hope we have enough courage to lay them at His feet, in whose Name and in the name of Mother India we have endeavoured to do our duty but nothing but our duty".

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Mr. Kallenbach said:

You have coupled my name with Mr. Gandhi's; that is not justified; I cannot accept it without protest. He formed the material in South Africa by which the victory has been won. The Rev. Mr. Doke of Johannesburg who, during his life, was so good a friend to the India cause, said that Mr. Gandhi had lighted candles in the hearts of his South African compatriots. He has done the same for all who came near him. He has lighted my heart candle, and because I do not want to let it go out you see me here. My Indian friends and myself are, as it were, two parties coming from the North or South Pole or vice versa. After forty three years of life I have found that modern western civilisation has not helped me to make progress towards the goal we have to reach and towards which my friend is making such great strides. Western civilisation, which is supposed to be so superior, has brought us to what we see to-day. Having tasted what one of India's sons could give; having seen what thousands of indentured Indian labourers could do, I cannot repress the desire to go and see India. I have nothing to give to India, but I expect her to give me much. I thank you all most sincerely for your kindness and goodwill".

The banquet to Mr. M.K. Gandhi, in the Masonic Hall last night (says the Star) was one of the most notable functions yet recorded in the strangely varied annals of the Rand. To the departing leader of Indian opinion in South Africa warm tributes were paid by several members of the European community, who represented official, social, and religious institutions, and who joined in one chorus of praise of the purposefulness of Mr. Gandhi's career and his high personal attributes. Mr. Gandhi's reply revealed him once more as a man of broad views and ready sympathies. There was no suggestion of self-satisfaction at his own share in the settlement; on the contrary, nothing could have exceeded his speech in its modesty, or its recognition of the reasonable spirit of conciliation and justice in which Lord Hardinge, the Imperial Government, and the Union Government have contributed to the final issue of the question, which, as he again reminded us, concerned the removal of racial and colour distinctions, and not the principle of equality. Mr. Gandhi's compliment to the fairness of Mr. Smuts's policy of laying all his cards on the table, and refraining from any sort of mental reservation, is capable of application to the Indian leader himself. He has proved himself a singularly purposeful patriot, and a strategist of considerable ability; but with this intense pride in his people has marched a feeling of Imperial considerations, without which a solution might never have been found, and without which future leaders of Indian opinion in this country will find a future policy almost impossible to direct. Mr. Gandhi may well leave South Africa with the consciousness that he has performed a life-work of the highest value to his compatriots, and has left behind a reputation for great-spiritedness and lofty ideals.

THE PRESS ON MR. GANDHI'S WORK.

"Twenty on e years ago", says the Sunday Times, "there landed at Durban on e Mohandas Karanchand Gandhi, an almost unknown India lawyer, on what he believed to be a brief visit to South Africa. He was on the point of sailing for India again when a draft Bill of a repressive nature directed against his fellow-countrymen in Natal attracted his attention. He stayed to oppose it. His stay lasted 21 years. To-day Mr. Gandhi famous in England Africa and India as the champion of the Indian race in South Africa, is preparing to leave the country in which he has fought the cause of his people with so much ability, patience, and dignity. He has finished his work. Mr. Smuts has spoken of a complete and final settlement of the controversy which has unfortunately existed so long, and Mr. Gandhi can at last take the rest he has so long needed and so well deserves. The settlement reflects credit upon the Union Government as well as upon the Indian leader. It is unnecessary to declare that one side has won, or one side has been defeated; rather should it be said that the struggle has produced an understanding which augers well for the amicable settlement of any future difficulties, for Mr. Smuts has not abandoned the principle that in the interests of white South Africa any considerable infiltration of Asiatics must be prevented, and Mr. Gandhi has not had to give up his plea for more sympathetic treatment of the Indians already in the country. What appears to be a solid and lasting understanding has been reached. All Indians it is true are not satisfied; but when such a staunch patriot as Mr. Gandhi is content little importance need be attached to the few sectional murmuring s. Two decades of Colonial life have impressed upon Mr. Gandhi the futility of demanding the open door for British Indians in every part of the Empire. He has concentrated his energies upon securing practical benefits for his people, instead of wasting his strength in shouting for theoretical claims which he knows South Africa will never grant, and which the whole weight of the British Empire could not force it to concede.

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If when Mr. Gandhi's mantle falls upon his successor it carries with it a full measure of his common sense recognition of the rights and needs of white South African one may have no fear for the future. One cannot expect that the future will be entirely free from difficulty. Trade competition alone is liable to produce occasional friction; but there is good reason to hope that if the Indian leaders in the days to come do not depart from the spirit of Mr. Gandhi's final messages there will be no repetition of the acute controversy. South Africans who have fought Mr. Gandhi (as we have done) will wish him well in any task to which his indomitable spirit may set him upon his return to his native land."

[OPINIONS ON STATE
POLICY WITH REGARD
INDIANS IN SOUTH AFRICA]

THE MORLEY INTERVIEW.

Mr. Morley, in reply said he heartily welcomed their presence that day for two reasons. The first one was that he always desired to be familiarized with all currents of feelings relating to the great dependency for whose administration he was responsible to Parliament. The second reason was that this was a practical question affecting the good government of India very closely. The effect upon public opinion in that country of the disabilities imposed upon Indians in South Africa was, and must continue to be, serious. Indians returning to the native land from South Africa carried with them the stories of the indignities to which they had been subjected, and the result was to stir up strong prejudices. People in India would ask whether it was not want of will, rather than want of power, which led the British Government to stay its hand when it should be raised in defence of those principles to which his friend Lord Stanley of Alderley had referred. For his part he thought that great praise was due to Mr. Chamberlain for his enunciation of these principles in 1901 and for the great force and emphasis with which he pressed upon the ~~XXXXX~~ attention of the Colonial Governments concerned the injustice and harshness of their policy towards the British Indians. It was a great irony that one of the first matters in relation to Imperial interests brought to the notice of the new Government had been the fact from which they could not get away that a bar sinister was placed in some British Colonies upon many millions of the King's subjects. Responsible administrators seldom cared to be reminded of great governing principles, but he was glad Lord Stanley had placed the question in that high plane. The views Lord Stanley expressed in this respect might be held by some to be old-fashioned, but he for one shared them entirely. Unfortunately they had not a white sheet of paper whereon to write. Fact must be faced, and in the circumstances all they could do was to keep their principles in mind and to go as near as possible to their practical application, having regard to all the circumstances. What then was the position of the Indian Office in this matter? It had been recognized by Sir Lippel Griffin that the minister primarily concerned was not himself but Lord Elgin.

He had been asked by Sir M. Bhevnagjee to use his influence with Lord Elgin in favour of appointing a Royal Commission. A serious difficulty in the way of this proposal was that in May next, the Government hoped, the Transvaal would enter upon the possession of responsible Government. It would surely be an odd preliminary to this grant to create a Commission of enquiry whose recommendations might come into direct conflict with the views of the people on whom the right of self-government was being conferred. It had been said that such a commission would "solve the question". After prolonged experience of public life he doubted whether he could recall any Commission which had solved any question; and in the circumstances the one proposed would certainly not be favourably situated for arriving at a satisfactory conclusion. It would quite probably mean a collision with the newly-organised Government at the very outset of its career. The plain fact was that we could not dictate to the self-governing colonies. We could plead, we could argue, we could press for the application of our principles. Whether at the Colonial Conference next year, or by dispatches under Lord Elgin's signature, the Government could, and no doubt would bring the wider aspects of this Imperial question to the notice of the colonial authorities, and would use all reasonable arguments. He would remind them that Viceroy after Viceroy had done their best in this matter. Lord Lansdowne's views as expressed at Sheffield just after the outbreak of the war had been quoted that day, and reference had been made to the despatches of Lord Elgin when he was in India. As for Lord Curzon he had carried on a tremendous battle for our Indian fellow-subjects. Proceeding to quote from the seventh Budget speech of the ex-Viceroy as to the demands ineffectively pressed upon representatives of the Natal Government who went to India with a view of obtaining further supplies of indentured labour, Mr. Herley said that the quotation showed that Natal had refused the conditions laid down by Lord Curzon, and it remained to be seen whether the Transvaal would be more amenable to the requests of Lord Elgin.

He was glad to understand that the feeling of many of the white colonists was not unfavourable to the Indians. It was not, after all, very unnatural of the small white storekeeper to exert whatever influence he might possess with the governing classes in the country to keep out very formidable competitors. He could even understand Indians already in the country desiring to keep out immigrants from their native land who might enter into competition with them. But what he could not understand was the mere prejudice and insistence on a principle of racial inferiority, seeing that there were many Indians in the Transvaal pursuing professional or mercantile callings who were greatly superior in many of the elements which made up a civilized being to some of those who were readily admitted into the country. The notion that Indians already there should be subjected to any new disabilities and to new elements of humiliation was one which he confessed, stirred his feelings deeply, as Lord Lansdowne's were stirred by the treatment of the Indians under the Boer Regime. It was a factor in the case not to be overlooked, however, that in some instances we could more effectively remonstrate with foreign powers (as we remonstrated with the Boer Republic) than with our own people in the colonies. However, that was a wide field into which he had been tempted by the remarks of Lord Stanley, and all he had now to do was to give them assurances of his sympathetic help. Whatever could be done when the time came in the way of energetic protest against the continuance of any unnecessary disability would be done by the Indian Office. They might be quite sure that he would not be at all slack in backing up the Colonial Office, or possibly in going a little in front.

Sir Charles Schwann M.P., asked whether it was not a fact that responsible Government was being granted the Transvaal on a report of a Commission, although Mr. Herley had deprecated Commissions.

Mr. Herley replied that the grant was made on the report of a committee, which inquired privately, not on that of a Royal Commission.

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October 21st 1914.

THE VICEROY ON EMIGRATION.

In the course of the opening speech in the Imperial Legislative Council at Simla last night, his Excellency the Viceroy dealt with the problem of emigration to different parts of the Empire:-

I would like now to say a few words upon another subject which has seriously occupied the attention of the Government of India during the past twelve months, a subject to which we attach the very highest importance. I allude to the question of emigration from one part of our Empire to another. Before dealing with this question I would like to remind you that, in a speech which I addressed to you in the Council on 24th March last, I informed you of an announcement made in the Union House of Assembly at Cape Town, that the Government of the Union would introduce, in the following session, legislation based on the report of the commission which had been sitting to enquire into the grievances of Indians in South Africa. As all of you are aware, the proposed Indian Relief Bill has since become Law, and I think we may regard the passing of the Bill by both Houses of the Union Parliament with grateful satisfaction. If the new law does not satisfy every Indian aspiration, it certainly removes the principal grievances from which Indians for many years have been suffering. The solution of this very difficult problem is a matter upon which we may legitimately congratulate the Government of General Botha, and I would like to say in particular, that the bold and generous statesmanship which inspired General Smuts and the skill with which he piloted the Bill through the South African Legislature have earned our warmest admiration. I will now revert to the general question which is one of far-reaching importance. It cannot be dealt with satisfactorily from merely a local standpoint. It is a question for which, in my opinion, a practical solution may be found, but it is essential that such a solution should be based on a reasonable apprehension of the requirements of other parts of the Empire. At the outset of the discussion of the problem which has arisen, we are faced with this difficulty.

It is being commonly asserted, whether on historical, legal, or constitutional grounds, that the full rights of citizenship of the British Empire include the right to settle in any part of that Empire irrespective of the existence of local legislation barring or limiting access to the dominion to which access is sought. But it must not be forgotten that to such a doctrine a political impediment exists of an almost insuperable character. Our Empire is largely composed of self-governing units. The dominions have been given their own legislatures by the Imperial Government, in order that they may regulate the management of their internal affairs as may seem best to them. It is beyond question that the control of immigration is primarily an internal question, for each self-governing unit must know best what materials it desires to provide its future citizens. Thus, indeed, it must be clearly seen that the right of free movement within the Empire is conditional on the exercise by the local legislature of their undoubted powers just as it is restricted even more rigorously by the physical characteristics of certain parts of the Empire. The principle of free migration between all parts of the Empire may have attractions and many advantages. It is indeed the principle for which the Government of India have long and consistently contended, but I have shown that to reduce this principle to practice would involve the most serious difficulties and the course of events has made it more and more clear that there is no hope of its adoption.

DRASTIC LEGISLATION.

On the other hand, when we review the whole situation and the policy that we have consistently followed for many years past, I fear that the obvious conclusion at which we must arrive is that the result of this attitude has been to force the Colonies to undertake more and more drastic legislation and thus to produce the present situation in Canada which has brought the problem to an acute stage. This being so, it seems to me that the time has come when we must change our course and we have to consider whether if we cannot get all we wanted, the alternative is not feasible to relieve at least the present situation which already is un-

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unsatisfactory from the point of view of both India and Colonial interests, and may in the future lead to serious trouble. I think that such an alternative can be found and I shall indicate presently what it is. I desire first to try to correct any misapprehension that may exist in this country regarding the attitude of the Governments of the Dominions towards Indians as a whole, and towards the position of the Government of India in this difficult matter. It is often stated that the Colonial Governments in formulating their measures for exclusion, are actuated by feelings of animosity towards Indians and that they would not apply to any residents of the United Kingdom any of the restrictions they freely impose on the residents of this country. I do not think that such a statement is quite fair. To be impartial, it must be admitted that the Colonies naturally place above all other considerations the interests of their own country, as they understand them, just as we in India should put the good of India in the front of our motives for legislation, but time after time, the Colonial Governments have given evidence, whether during their discussions in their legislative assemblies or in their attempts to negotiate with the Government of India, that they are by no means unmindful of the possible effects of their action on the Government and people in this country and, I think I may say with justice, that they are quite willing to consider India's requirements, once they are satisfied that the interests of their own country has been adequately secured.

SOME EXAMPLES.

Then as to the rights of residents of the United Kingdom to enter the Colonies without restriction, I can assure you that the Colonial Governments, both in theory and in practice, maintain their full right to reject such immigrants, and use this right with such restrictions they may think their local conditions require. So much is this the case that the freedom with which Canada excludes labourers of inferior physique while encouraging, by every possible means, the emigration of the fit, has been described as constituting a serious drain on the United Kingdom. I would also remind this council how some years ago three English hatters were turned back from Australia on the ground that the local/

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local labour market for hatters was overstocked. At the present moment an ordinance is in force in Canada which forbids any labourer, whether from the United Kingdom or elsewhere, landing in that country. Recently the Government of South Africa removed by force from their territories, certain English labourers whose presence was felt to be undesirable. In the face of such incidents, it is out of place to assert that the policy of exclusion is directed against Indians alone, and that there is, therefore, an Indian grievance against the Colonies. I should like to add that I have seen a statement recently made by the Hon. Mr. Roche, Canadian Minister of the Interior, which I believe to be substantially correct, to the effect that during the past ten years previous to the arrival at Vancouver of the 'Komagata Maru' 917 English people had been rejected at the Canadian ports as compared with 376 Indians.

The 'KOMAGATA MARU'.

I will now touch lightly on the incident of the 'Komagata Maru'. The despatch of this vessel from Shanghai to Vancouver with 400 Indians on board was carried out without the cognisance or approval of the Government of India. The object of the promoters of the expedition was undoubtedly to challenge directly the legality of the Canadian Immigration Laws on the lines that the would-be immigrants were British subjects, and had, therefore, the right to enter Canada. Such a proceeding was in direct contravention of the existing embargo placed on all labourers of every nationality arriving in British Columbia, and in violation of the condition that the immigrants should arrive by continuous voyage from their place of origin. It is unfortunate and to be regretted that such restrictions should exist, but when they do exist, they cannot be ignored without causing suffering and distress. We must all regret the discomfort suffered by the 400 Indians on board the 'Komagata Maru' for which the organisers of the expedition were, in my opinion, culpably responsible. They must have known perfectly well that entry would be refused, and the sending of the ship could only be regarded as most unwise. The promoters should have remembered that they who fail to consider the rights of the Colonies can

in return, claim little consideration in their own. The Canadian Immigration Act gives the Government of Canada very wide powers and anybody with knowledge of its contents would realise how futile it would be to contest them. The case was taken as a test case before the Canadian Law Courts, and was lost, as was inevitable, the result being that, all those on board the Komagata Maru were deported. There were unfortunately some breaches of the peace committed by some of the passengers on board but in the end they left peaceably.

AN INCIDENT.

In this connection I would like to mention the fact that the Canadian Government very generously gave £800 worth of supplies to the Indians on board for the return journey. This point should not be forgotten. I may add that the developments of this incident were watched by the Government of India with the closest attention, but as the question at issue was of a purely legal character, there was no cause for intervention. When, however, there was an apparent likelihood of the compulsion of Indian passengers by armed force, I addressed a communication to the Secretary of State, deprecating the use of force on our fellow-countrymen, and, as you are aware, no force was used. Within the last few days I have learnt that these unfortunate people have been left stranded in Japan. I have therefore, requested His Majesty's Consul General at Kobe to repatriate them to India, and, at the expense of the Government, in the case of those without means.

THE SOLUTION.

Having now cleared the ground of possible misunderstandings I will revert to the alternative policy to which I referred a few minutes ago, as a possible solution. I think I have shown clearly that we have drifted into a position of isolation and it is evident if we are to secure for our Indian fellow-subjects any of the advantages that are now denied, we must substitute for this a policy of co-operation. This can, in my opinion, be achieved only by negotiation with the Colonies on a basis of complete reciprocity. Taking Canada, for instance, we know that a certain number of Japanese are admitted annually on a passport system.

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Surely India may claim at least the most-favoured-nation treatment in any negotiations that are opened and secure equally favourable terms for Indians. It should not be difficult to limit, by agreement, the number of passports to be issued, which while providing very fully for temporary residence as in the case of student-tourists and the like, would, at the same time, strictly limit the right to settle permanently in the country. Those attempting to secure admission without such permits or passports would be rejected at the port of entry after ample warning in the country of origin that such rejection would be inevitable. Clearly no reciprocal arrangements for controlling emigration at both ends can be outlined or considered in detail without full discussion with the Colonial Governments concerned, and it would obviously be undesirable to commence negotiations with the Colonies unless there was a reasonable prospect of some practical outcome of the discussions. If this alternative policy commends itself to the people of India it would be futile to consider any other line of action, until it has been tried and failed, but with the knowledge in our possession, that the Colonies have, on various occasions, shown themselves alive to the necessity of giving such consideration as is possible to the wishes of the Government of India, I am full of confidence that they would be willing to go to some length to give facilities to a moderate number of Indian immigrants, while obtaining through such a compromise, certain restrictions in India on free emigration to the Colonies. This is the policy which the Government of India would advocate at the present time, a policy based on a scheme of complete reciprocity, and it is for the consideration of the Hon. Members and of the Indian public that I have developed our views here today. If these views meet with the general approval, the Government of India are ready to recommend them to the Secretary of State with a view to opening negotiations with the Colonies concerned. I appeal to the Indian public to view this question in no narrow light. India has her rights, but equally have the Colonies. Should it be decided to negotiate with the Colonial Governments, I am confident that they with their strong imperial instincts, will meet us in no mean or

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niggardly spirit, provided that we, on our side, show our readiness to meet them half-way. The fact that in a few weeks time, our splendid Indian soldiers may be fighting side by side and shoulder to shoulder with our Colonial fellow-subjects against the common enemy, is a guarantee of fair and generous treatment on both sides in a controversy of this nature.

Asiatic Immigration.

At a meeting of the Colonial Section of the Royal Society of Arts held at the rooms of the Society, John-street, Adelphi, a paper giving the historical digest of the Asiatic immigration problem and suggesting lines of definite Imperial policy in its solution was read by Mr. Richard Jebb. The chair was occupied by Mr. Alfred Lyttleton, M.P.; and among others present were Lord Amthill, Mr. Ross M.P., Sir West Ridgeway, M.H. Hikekichi Nuteu and Count Hikekichi Nuteu (of the Japanese Embassy) Captain Muirhead Collins, R.N. (representative of the Commonwealth Government) Mr. J.O. Jenkins (Agent-General for South Australia) Mr. Alfred Deben (Agent-General for Tasmania) H.C.H. Rason (Agent-General for Western Australia) Sir Curzon Wylie, Sir Raymond West, Sir John C. Lamb, Mr. H.W. Just C.B., C.M.G., (Assistant Under-Secretary for the Colonies) Sir W.H. Treacher, Mr. Mackenzie King (Deputy-Minister of Labour for Canada) Sir James La Touche, Mr. G. Bernard Shaw, and Sir T. Holderness.

Mr. Jebb said that the divergence of opinion and of policy which had divided the British Empire on the question of Asiatic immigration was traceable to the presence, in different combinations of the main factors, which had operated everywhere, in either a positive or negative form. These were a conscious intention, or at least an instinctive endeavour, in territories concerned to build up an indigenous nation of the European and democratic type, and direct experience of Asiatic immigration, or, at least, of coloured labour, upon a considerable scale. For the purpose of his survey he divided the Empire into three maritime zones - the Pacific zone, where the factors named were strongest; the Indian zone, embracing countries bordering the Indian Ocean, where experience of this immigration was not combined at first with strongly developed indigenous nationalism; and the Atlantic zone, which embraced the United Kingdom and Eastern Canada. Here indigenous nationalism, not being conditional by direct experience of Asiatic immigration, resulted to hostility to the idea of restriction, and a desire to restrain that tendency elsewhere. The lecturer justified this maritime rather than territorial division by

pointing out that up to the early nineties there was no complete consensus of opinion and policy even in Australia, while as regards South Africa and Canada it would be risky to affirm that there was an absolute consensus even now, though there was a steadily growing tendency towards agreement of opinion and policy. Outside the United Kingdom the two other zones were more and more accepting the conclusion of the Pacific zone that coloured immigration was incompatible with the intention of building up an indigenous democracy of the British type. It was held that the white and coloured races were unable to fuse, or, if there was fusion, it produced a racial and social type inferior to the Anglo-Saxon. In the absence of fusion, the ultimate result of coloured immigration, consisting as it usually does of low-grade labourers, could only be to create a "holey" class, for which no place could be found in a pure democracy. This latter objection did not, of course, obtain in South Africa, where resistance to Asiatic immigration only became vehement as the economic and social differences between the primitive native and the highly civilized Asiatic began to be realized through direct experience. Without direct experience - that frequent enemy of cherished theory - sentiment in this country instinctively opposed the principle of restriction, which seemed to conflict alike with the religious conception of brotherhood, the democratic conception of equality, and the Imperial conception of uniform citizenship. There was a tendency to impute ignoble motives to the Pacific policy, and the larger issues were lost sight of in a haze of prejudice against the extreme protectionism of the labour unions. Basing the theory on the principle that the Empire has for its purpose the promotion and protection of nation States, Mr. Jebb urged that Imperial citizenship could not confer any right inconsistent with the protection, such as the right of any citizen to settle in any State where his presence would be injurious to its national civilization. The mere fact of a common allegiance to the British flag did not alter the social or economic consequences of Asiatic immigration, and, therefore, the claim of Resident British Asiatics to equal treatment could only be admitted when their number was so

small that their influence was negligible. In Natal, for example, extensive repatriation of the free Indians must precede the removal of disabilities. If this could be effected without compulsion or other hardship, only by offering a lavish pecuniary inducement, might not the Imperial object be worth the sacrifice on the part of the United Kingdom, which was originally responsible for the mistaken policy of non-repatriation after indenture? As to the suggestion that by way of compensation for exclusion from South Africa Indians should have East Africa reserved for them, there might be no objection to this in Imperial theory; but he doubted whether the Indians would really value the opportunity to colonise a country for themselves. The Asiatics were not pioneers; they sought to reap where the white man had sown. To his mind a more practical recognition of the Imperial rights of the Indians would be to satisfy their desire for a fiscal system like that of the self-governing dominions, devised to develop their own industries and to make India a self-conscious economic unit. As to the Japanese aspect of the immigration question, he argued that States not under the same flag were under no obligation to make sacrifices for each other's national ideals. On the other hand, the nation-States allied under the British flag were morally if not constitutionally, bound to support any one of their own number whose national interests were threatened by a foreign Power, without reference to the interests of the Power. He held that the "Natal Act" imposing an educational test, should be generally applied in the self-governing Colonies. The principle of the Act was commended by Mr. Chamberlain at the 1897 Colonial Conference. It had the merit of elasticity, working so as to restrict either prohibitively or in moderation. For the sake of Imperial uniformity legislation of the Natal type should be applied to the United Kingdom, where the principle of regulating alien immigration was already admitted to the statute-book. It was easy to exaggerate the probable antagonism of the Asiatic Powers. Friendly commercial relations would not be lightly sacrificed to sentimental or even a material grievance arising from the adoption by them of a principle of restriction which both China and Japan applied to their own domestic policy.

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The Chairman said he wished to speak not in a controversial spirit, but in a scientific and historical sense. There could be no question that the conclusion that Mr. Jobb arrived at on the main question of fact was substantially true; and that was that the self-governing Colonies were irrevocably determined not to admit effective competition from the Asiatic races. He thought that determination had been arrived at from two or three causes, the foremost being the industrial and trade union reason - the determination that the white races, having won these lands for themselves, should not suffer competition from coloured men, who by their great skill, ingenuity, and industry could compete effectively, and by reason of their lesser needs and lower standard of comfort could compete fatally, with many of those engaged in the country. The second reason was that there could not be fusion between the white and coloured races. There had been occasions, however, in which ⁱⁿ South Africa, British Columbia, and Western Australia the white population had desired to import Asiatic labour for a limited period and under very stringent and definite restrictions. These restrictions were objected to partly from ignorance and partly from prejudice by those who, confusing free competition of Asiatic immigrants with Asiatic immigration under restrictions, regarded the whole with one confused condemnation, though obviously there was an immense difference between the two things. But as most men were prejudiced and a good many were ignorant, this objection would always obtain among many who had not carefully studied the subject. There was a more formidable objection - that of high-minded idealists who condemned planting any labour in any country under restrictions which would deny it the right of permanent residence. The objection was entertained even in cases where the immigrants themselves cordially and joyously accepted the restriction, and where their lot as indentured labourers was infinitely better than in their own land. These facts were inexorable, and he believed that none of those present, at any rate none as old as himself, would see among the self-governing Colonies the slightest disposition to accept Asiatic immigration except under restrictions, and restrictions

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objected to on different, but formidable grounds. There had recently been a very curious development of the trade union attitude in South Africa. He spoke of it with reserve, because it was contained in a report of a labour Commission on the Transvaal which he had not yet seen. But if the telegrams were correct, not only was objection raised to Asiatic competition with white labour, but also to the competition of the indigenous black labour. From the point of view of the high-minded idealist the position was one which they would hesitate to accept. It was the strange system of world ethics which on the acquisition of a country by invasion and the dispossession of the aboriginal inhabitants would dispute the right of the latter to work therein. According to the telegrams Mr. Crosswell was one of the most pronounced supporters of this peculiar doctrine, but it was to be hoped that the telegrams misrepresented the report. Whether the country would continue indefinitely to support the self-governing Colonies in the policy of Asiatic exclusion was a question which gave one serious reason for pause. In effect the pretension of the Western nations was that they would freely compete throughout the whole East upon terms of absolute equality with the inhabitants of the lands, while the Easterns were to have no access whatever to the West, or to those portions of it where their competition was likely to be formidable. The pretension brought them into a strange and rather serious region of thought. "Free competition in your land; monopoly in ours", - that was the doctrine, and he quite agreed with Mr. Jebb that such a principle could only be maintained and asserted by force. And when they considered what India meant to the British Empire, and what a tremendous thing it would be if all the races in India were to unite against pretensions so paradoxical as that of a monopoly on one side and free competition on the other, he felt that though the Colonies might be able to maintain that position for 20 or 25 years, it was doubtful whether we should be able to support them indefinitely. Mr. Jebb had adumbrated the possibility of our giving something by way of compensation, such as the reservation of lands, say, in East Africa or the Egyptian Sudan,

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for Asiatic immigration. Still more pregnant was the suggestion - though here he entered controversial regions - that compensation might come in the form of fiscal freedom for India.

Lord Amthill urged that the Imperial Government was responsible for the hegemony of the Empire, and should not be afraid to tell the Colonies its views as to the steps necessary for the solution of this grave problem, and as to the treatment to be accorded Indian subjects of the Crown who had already settled in lands where immigration of Asiatics was now prohibited or restricted. He urged that an Imperial Conference for full and frank discussion of the subject should be summoned.

Sir West Ridgway said that it was impossible to uphold the ideals of British citizenship giving Asiatics the right to settle wherever they thought well within the limits of the Empire. Coercion of the self-governing Colonies to further that ideal would be both unjust and impossible.

Mr. J.D. Rees M.P., supported these arguments, and Mr. Arthur H. Reid of South Africa also took part in the discussion.

LORD CURZON ON SOUTH AFRICA. (67)

There is one duty that falls upon the Government of India to which I think I have rarely if ever alluded to in this Council, and that is the guardianship of Indian interest where they are liable to be impugned by external policy or influence. We resisted to the best of our ability the heavy charge of more than three-quarters of a million sterling that was imposed upon Indian Revenues by the increase of pay in the British Army, a measure about which we were not consulted and with which we did not agree. We protested more successfully against the placing upon Indian Revenues of the charge for the entertainment of Indian guests at the Coronation in London. We were also successful, in resisting the suggestion that India should pay £400,000 per annum for a call upon a portion of the British garrison in South Africa. We have now finally established the principle disputed till a few years ago, that when we lend troops from India to fight campaigns for the Imperial Government in different parts of Asia and Africa, every rupee of the charges, from embarkation to return, shall be defrayed by the Imperial Government. During the past few years we have been waging a similar battle in defence of Indian immigrants in South Africa. For many years a system has prevailed under which unskilled Indian labourers have been encouraged to emigrate to the Colony of Natal for employment, chiefly agriculture, though a few have been engaged in coal mines. The number proceeding yearly on five year contracts is from 5,000 to 6,000 and there are now some 30,000 indentured Indians in the Colony. Their wages are good and those of them who returned to India in 1903 brought back savings to the amount of over 5 lakhs of rupees, while Indians of all classes settled in Natal remit to their friends in India some thirteen lakhs of rupees annually. The indentured Indian is well treated, and so far as this class is concerned the system of emigration to Natal is advantageous to India as well as the Colony. But there is now in Natal a considerable number of British Indians, estimated at about 50,000 who are not working under indentures and are therefore known as free Indians.

Some of them are men who have worked out their time but have decided to settle in the country. Others are persons who have voluntarily proceeded to the colony. The Colonists object to this class of settlers and have taken strong measures to discourage any increase in their numbers. Some of these measures have seemed to the Government of India to be unduly severe and inconsistent with the reasonable claims of the people of India as subjects of the British Empire, and we have lost no opportunity of urging that the restrictions imposed on free Indians should be relaxed, more especially two years ago when the Government of Natal sent delegates to us to discuss an arrangement under which Indian labourers should be compelled to return to India on the expiring of the terms for which they were engaged. We required that as an essential condition that they should make certain concessions in favour of the free Indians who were then settled or who might desire to settle in the Colony. We stipulated for the eventual abolition of a tax of £3 a head which had been imposed on such persons for leave to reside; for the amendment of an act placing traders however old a standing under the power of local corporations who had absolute authority to refuse licenses to trade; for the removal of Indians from another act under which they were classed with barbarous races, and for provision of a summary remedy for free Indians who might be wrongfully arrested on the ground that they were coolies under indenture or prohibited immigrants. In reply we were given to understand that there was no prospect of obtaining the consent of the local legislature to these conditions, and negotiations were therefore dropped. The only concession that has been obtained as regards free Indians in Natal is the exemption of those who have been resident in the colony for three consecutive years from the restrictions imposed on "prohibited emigrants" under the Immigration Restriction Act.. That Act still requires immigrants (except those under indenture) to be able to write in some European language, and our endeavours to get ability to write in an Indian language accepted as a sufficient test of literacy have been unsuccessful. We have informed the Natal Government that we reserve to ourselves the fullest liberty to take at any time such measures as in regard to emigration to that colony as we may think necessary in order to

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secure proper treatment for our Indian settlers, and we have recent again declined to take any step towards facilitating the emigration of labourers under indenture until the Natal authorities substantially modify their attitude.

In no other South African Colony is there in force any system of immigration of Indian labour under indenture, and the number of British Indians at present resident in the Colonies other than Natal is comparatively small. These colonies have however, evinced a similar spirit of opposition to the immigration of free Indians, and we have had a considerable amount of correspondence on the subject especially as regards the Transvaal. Soon after that country came under British administration we addressed the Secretary of State for India and urged that opportunity should be taken to remove the restrictions and disabilities imposed by the Boer Government of British Indian subjects. In the course of the correspondence that ensued we were asked to agree to a scheme for the employment of lowly Indian labourers on the construction of Government Railways in the Transvaal and Orange River Colonies, and recognising that the need for Indian labour thus displaced might prove a powerful lever in our hands in securing better treatment for Indians generally in South Africa, we expressed our readiness to consider the proposal if it was likely to lead to substantial concessions in favour of the Indians not under indenture. We said that the least we could accept would be (1) that Indian languages should be included in the test applied to new immigrants; (2) that residence in location should be compulsory only upon those Indians in whose case the restriction is desirable for sanitary reasons; (3) that Indian traders who had established themselves under the former Government should be granted licenses permitting them to retain their present places of business; (4) that all Indians of superior class, including all respectable traders and shop keepers should be exempted from the pass law and the curfew system and from other restrictions imposed on the non-white population. The Transvaal authorities

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declined to concede these demands in full, and we have therefore refused to establish a system of immigration of indentured labourer to that colony. The outcome of the negotiations so far will be found in the despatch sent of July 28th 1904, by the Secretary of State for the Colonies to the Governor of the Transvaal which was presented to Parliament in August last. In it the British Government supported all our main demands except the claim that future immigrants should not be required to write in a European language. We have not yet heard what action has been taken on these instructions by the Transvaal Government. I do not say that this is a pleasureable record. The problem is one for which it is exceedingly difficult to find a solution. Colonies possessing, or likely before long to possess, rights of self-government cannot be dictated to in such matters, and the feeling that exists among them is undoubtedly very strong. It has seemed to us to be our duty to do nothing to inflame that feeling, but to lose no opportunity of pleading the cause of these whose natural protectors we are and to make no concession whatever until we obtain a full 'quid pro quo'. In return, I am confident that in this attitude we shall have the support of the entire Indian community.

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LORD SELBOURNE AND BRITISH INDIANS IN THE TRANSVAAL.

In our last issue we gave the statement submitted to his Excellency the High Commissioner by the deputation on behalf of the British Indian Association. Before handing the statement, Mr. Gandhi addressed His Excellency as follows:-

Before beginning to deal with the subject matter of this deputation, I have to tender our respectful thanks to Your Excellency for having spared the time amidst the many calls upon it to receive this deputation. As Your Excellency has personally interested yourself in every question submitted to you, it was felt that we should, instead of simply sending memorials, seek the opportunity of expressing our sentiments and feelings in a more tangible manner. Before I deal with the statement, I am to hand Your Excellency. I have been asked to mention two matters that have occurred during your recent tour through the Transvaal. Your Excellency is reported to have said at Potchefstroom that "no non-refugee British Indians would be allowed to enter the Colony until the Representative Assembly has considered the question next year". If the report is correct, it would, as I hope to show this afternoon, be a very grave injustice to the vested rights of the Indian community. At Ermelo, Your Excellency is reported to have used the expression "ceolie storekeeper". This expression has given very great offence to the British Indians in the Colony, but the British Indian Association has assured them that the expression has probably not been used by Your Excellency or, if it has, Your Excellency is incapable of giving thereby any intentional offence to British Indian storekeepers. The use of the word "ceolie" has caused a great deal of mischief in Natal. At one time it became so serious, that the then Justice Sir Walter Wagg had to intervene, and to put down the use of that expression in connection with any but indentured Indians, it having been imported into the Court of Justice. As Your Excellency may be aware it means "labourer" or "porter". Used therefore in connection with traders, it is not only offensive but a contradiction in terms.

Coming to the statement that the British Indian Association is submitting to Your Excellency, I would take first the Peace Preservation Ordinance. Soon after the Transvaal became part of the British Dominions, the services rendered during the war by the dhooly-bearers that came with Sir George White, and those rendered by the Indian ambulance-corps in Natal, were on many people's lips. Sir Geo. White spoke in glowing terms of the heroism of Parbhur-singh, who, perched up in a tree, never once failed to ring the gong as a notice to the inhabitants each time the Boer gun was fired from the Umbukwana Hill. General Buller's despatches, praising the work of the Corps, were just out, and the administration was in the hands of the military officers who knew the Indians. The first batch of refugees, therefore, who were waiting at the ports entered the country with out any difficulty, but the civilian population became alarmed, and called for the restriction of the entry of even the refugees. The result was, that the country was dotted with Asiatic offices, and from that time up to today, the Indian community has known no rest; whereas aliens, in every sense of the term, as a rule get their permits at the ports on application there and then, the Indian, though a refugee, had to write to the supervisors of Asiatics, who had to refer the applications to the Colonial Office, before permits were issued. The process took a very long time, from two to six months, and even one year and more, and then too, the Colonial Office had laid down a rule that only so many permits should be issued to British Indian refugees per week. The result of this mode of operation was, that corruption became rampant, and there grew up a gang of permit-agents who simply fleeced innocent refugees; and it was a matter of notoriety that each refugee who wanted to enter the Transvaal had to spend from £15 to £30 and more. The matter came to the notice of the British Indian Association, repeated representations were made, and ultimately the Asiatic offices were wiped out. The mode of granting permits was, however, unfortunately kept up, and the Chief Secretary for permits has been always subject to instructions from the Colonial Office. Thus, the Peace Preservation Ordinance, which was intended to apply to dangerous characters and political

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offenders, under the influence of the Colonial Office had become an Indian Immigration Restriction Law, as it remains to this day. Under the present regime, too, therefore, it is a most difficult matter for even bona fide refugees to get permits, and it is only in rare cases that it is possible to get them, except after a delay of months. Everyone, no matter what his status may be, has to make an application on a special form, give two references, and put his thumb impression on the form. The matter is then investigated, and the permit is granted. As if this were not enough, owing to the charges made by Mr. Loveday and his friends, the Chief Secretary for Permits received instructions to insist on European references. This was tantamount to the denial of the right of British Indian refugees to enter the country. It would be hard to find twenty Indians who would be known to respectable Europeans by name as well as appearance. The British India Association had to correspond with the Government, and, in the meantime the issue of permits was suspended, and it has only lately been realised that the insisting upon European references was a serious injustice.

But still the difficulties, apart from the necessity for European references are there. Male children, under 16 years of age, are now called upon to take out permits before they can enter the Colony, so that it has been not an uncommon experience for little children of 10 years of age and under to be torn away from their parents at the border towns. Why such a rule has been imposed we fail to understand.

The High Commissioner:- Have you ever known a case where the parents have stated beforehand that they have children and which children have been refused permission to come in?

Mr. Gandhi:- Yes; and the parents have been obliged to make affidavits before the children have been allowed to come in.

If the parents have a right to enter, so far as I am aware every civilized country has admitted the right for minor children also to enter with them, and, in any case, children under 16 years if they cannot prove their parents are dead, or that their parents have been resident in the Transvaal before the war are not allowed to enter or remain in the Colony. This is a very serious matter.

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As Your Excellency is aware, the "joint-family" system prevails all over India. Brothers and sisters and their children live under the one roof from generation to generation, and the eldest member in the family ^{is} nominally, as well as in reality, the supporter and the bread earner. There is therefore, nothing unusual in the Indians bringing the children of their relatives into the country, and it is submitted that it will be a very serious injustice if such children, who have hitherto been left unprotected, are prevented from entering the Colony. The Government again, intend to require the female relatives of resident Indians also to be registered, in the same manner as the males. The British Indian Association has sent an emphatic protest against any such measure, and have even submitted that it would be prepared to fight the question in a court of law, as, according to the advice given to it, wives of resident Indians are not required to take out registration certificates and pay £3.

No new permits are granted by the Government, no matter how necessary it may be in certain cases. We were all extremely pleased to read in the papers Your Excellency's emphatic declaration that the vested interests of the Indians who are already settled in the country should not be disturbed or touched. There are merchants who have constantly to draw upon India for the services of confidential clerks, in order to enable them to carry on their business. It is not easy to pick out reliable men from the resident population. That is the experience of merchants all over, and belonging to all communities. If, therefore, new Indians are absolutely shut out from the country until the establishment of Representative Government, it will seriously interfere with these vested interests, and in any case, it is difficult to see, why men of attainments and education, whether they be refugees or not, should not be able to have their permits on application. And in spite of all these hardships, our anti-Indian friends are never tired of saying the country is flooded with British Indians who were never in the Transvaal. They have made a point of saying that every Indian who was before in the country was registered.

I hardly think that it is necessary for me to dilate upon this matter, as Your Excellency has been told that all the facts with reference to this charge are wrong, but I may be pardoned for referring Your Excellency to a case that happened in 1893. Shire and Dumat were large contractors of labour. They brought into the country at one time 800 Indian labourers. How many more they brought I do not know. The then State Attorney insisted that they should take out registration certificates and pay £3 each. Shire and Dumat tested the matter in the High Court, and the then Chief Justice Ketze held that these men were not, in the terms of the law, called upon to pay £3 as they did not enter for 'purposes of trade', and that he could not help the Government, even if the men, after the contract was over, subsequently remained in the country. That is only one instance which cannot be gainsaid, in which hundreds of Indians remained in the country without paying £3 each. The British Indian Association has always submitted and that from personal experience, that hundreds of Indians, who did not take out trade licenses, remained in the country without ever registering themselves and paying £3.

Coming to Law 3 of 1885, it has been often urged that Indians after the establishment of the British government in this country, have received relief with reference to trade licenses. Nothing, however, can be further from the truth. Before the war, we were able to trade anywhere we liked, as against tender of payment of license money. The long arm of the British government was then strong enough to protect us, and up to the very eve of the war, in spite of the constant threats of the then Government to prosecute British Indians who were trading no action was taken. It is true that now, owing to the decision of the Supreme Court, Indian trade is unfettered, but that is in spite of the Government. Up to the very last moment the Government declined to come to the rescue, and a notice was published called "Basaars notice" which stated that after a certain date, every Indian, who did not hold a license to trade at the outbreaks of the war outside locations, would be expected not only to remove to locations, but to trade there also. After the notice was published, locations were established in almost every town, and when every effort to get justice at the

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at the hands of the Government was exhausted, as a last resort, it was decided to test the matter in a Court of law. The whole of the Government machinery was then set in motion against us. Before the war a similar case was fought, and the British Government aided the Indians to seek an interpretation of the law, which we have now received from the present Supreme Court. After the establishment of the British Government, all these forces were against us. It is a cruel irony of fate, and there is no use disguising the fact that we have felt it most keenly; and this, I may state, as has now transpired, in spite of the fact that the then Attorney General told the Government that the interpretation they sought to place upon the law was bad, that if it went to the Supreme Court the matter would be decided in favour of the British Indians. If, therefore, the British Indians have not been sent to locations and are free to trade anywhere they like - as I say, it is because notwithstanding the intentions of the Government to the contrary. In every instance, law 3 of 1888 has been, so far as the Indians are concerned, most strictly interpreted against us, and we have not been allowed advantage of any loop-holes that are left in it in our favour. For instance British Indians are not debarred from owning landed property in 'streets' and wards or locations that may be set apart by the Government. The Government have resolutely declined to consider the words 'streets and wards' and have simply clung to the words locations, and these locations too, have been established miles away. We have pleaded hard saying that the Government have the power to give us the right of ownership ^{of land} in streets and wards, that they should make use of that power in our favour, but the plea has been in vain. Even land which is being used for religious purposes the Government would not transfer in the name of the Trustees, as in Johannesburg, Heidelberg, Pretoria and Potchefstroom, although the Mosque premises are good in every respect from a sanitary standpoint. It is time, we therefore submit, that some relief was granted to us while new legislation is under consideration.

As to the new legislation to replace law 3 of 1865, the despatch drawn by Sir Arthur Lawley has caused us a very great deal of pain. It insists on legislation affecting British Indians or Asiatics, as such. It also insists on the principle of compulsory segregation, both which are in conflict with the repeated assurances given to the British Indians. Sir Arthur Lawley, I wish to say with the greatest deference, has allowed himself to be led astray by what he saw in Natal. Natal has been held up as an example of what the Transvaal would be, but the responsible politicians in Natal have always admitted that Indians have been the saving of the Colony. Sir James Hulett stated before the Native Affairs Commission that the Indian, even as a trader, was a desirable citizen, and formed a better link between the white wholesale merchant and the Native. Sir Arthur Lawley had also stated that even if promises were made to British Indians, they were made in ignorance of the facts as they now are and therefore it would be a greater duty to break them than to carry them out. With the greatest deference, I venture to submit that this is a wrong view to take of the premises. We are not dealing with promises that were made 50 years ago, though we undoubtedly rely upon the proclamation of 1858 as our "Magna Charta". That proclamation has been re-affirmed more than once. Viceroy after Viceroy has stated emphatically that it was a promise acted upon. At the conference of the Colonial premiers, Mr. Chamberlain laid down the same doctrine and told the premiers that no legislation affecting British Indians as such would be countenanced by Her late Majesty's Government, that it would be putting an affront quite unnecessarily on millions of the loyal subjects of the Crown, and therefore the legislation that was passed could only be of a general character. It was for that reason that the first Immigration Restriction Act of Australia was vetoed. It was for the same reason that the first Natal Franchises Act was vetoed, and it was for the same reason that the Colony of Natal, after submitting a draft bill applicable to Asiatics as such, had to draft another measure. These are matters not of years gone by but of recent years. It cannot be said that there are today any new facts that have come to light to change all this. Indeed, even immediately before the war, declarations were made by ministers that one of the reasons

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was to protect the rights of the British Indians. Lastly, but not least, Your Excellency, too, gave expression to similar sentiments on the eve of the war. Though, therefore, the manner in which Sir Arthur Lawley has approached the question is, in our humble opinion, very unjust and inconsistent with the British traditions, we, in order to show that we wish to co-operate with the white colonists, have submitted that though no such law existed before, there may now be an Immigration act on the basis of the Cape or Natal, except that as to the educational test, the great Indian languages should be accepted and recognised, and that the already established British Indian merchants should have facilities afforded to them for importing temporarily men whom they may require in their businesses. That will at once do away with the fear of what has been termed an Asiatic invasion.

We have also submitted that with reference to trade licenses which have caused so much grumbling, the power should be given to the Local Boards or Town Councils to regulate the issue of any new licences subject to the control of the Supreme Court. All the existing licenses should be taken out of the operation of any such statute, because they represent vested interests. We feel that if these two measures were passed and Law 3 of 1885 were repealed, some measure, and only some measure, of justice would be done to Indians. We submit that we ought to have perfect freedom of owning landed property and of living where we like under the general municipal regulations as to sanitation and appearance of buildings, and during the time that the legislation is being formed the Peace Preservation Ordinance should be regulated in accordance with the spirit of such regulation and liberal interpretation should be placed upon Law 3 of 1885. It seems to me to be foreign to the nature of the British Constitution as I have been taught from my childhood, and it is difficult for my countrymen to understand that under the British flag which protects aliens, its own subjects should be debarred from holding a foot of landed property so long as good use is made of it. Under the conditions therefore submitted by the Association, it ought to be possible for the Government to free

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the Statute Book of the Colony from legislation that, necessarily insults British Indians. I do not wish to touch on such question of footpath regulations when we have to consider the question of bread and butter and life and death. What we want is not political power; but we do wish to live side by side with other British subjects in peace and amity and with dignity and self-respect. We therefore feel that the moment His Majesty's Government decide to pass legislation differentiating between class and class there would be an end to that freedom which we have learned to cherish as a priceless heritage of living under the British Crown.

Mr. Hajeer Habib, endorsing the statements of Mr. Gandhi, said that, as far as he understood the Peace Preservation Ordinance, it was designed to keep out dangerous characters and political offenders. But in its actual working it was aimed entirely at British Indians, while Russian Jews and dangerous characters were allowed to enter the country. Did it mean, he asked, that the Indians were not loyal subjects? They took it that by its attitude the Government distrusted them. It was known all over the world that they were inoffensive law-abiding people who neither drank nor gambled. The speaker then touched on the fact that natives were allowed to hold land, and noted that, although Indians paid the taxes, they had not even the municipal franchise

His Excellency the High Commissioner, in reply, said:}

Gentlemen, - This is a subject which excited great interest not only in India but in South Africa. I have made several speeches in various parts of the Transvaal, and what I shall say to you today will be nothing but a repetition of the speeches I have made in Transvaal already. I shall, only dwell quite lightly on the details which you have brought before me. In connection with the Peace Preservation Ordinance, your reminder that references are required by the immigrant, that his thumbprints are taken that special permits have even been required for children, and that now the question is being debated whether permits should not be required for Indian women who come into the country - I do not dwell on these points because they are intirely included in the general principles, which I shall proceed to discuss.

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Assuming that a restriction is necessary in immigration, then these are only precautions which experience has shown it to be necessary in order to make those restrictions good. The restrictions may be good or bad, but, given the restrictions, certain precautions are necessary in order to make those restrictions effective, and the demand for references and the necessity for thumb prints are not inspired by any want of courtesy or a desire to humiliate the British Indian fellow-subject or the Transvaal subject of the King, but they are simply the precautions which are necessary for the purpose of identification. It is not an easy thing to identify a man of one's own particular race, and it is an extremely difficult thing ~~to identify~~ for men of one race to identify men of another race; and these precautions are taken solely from that point of view.

In passing, I will allude to the report which, I think, Mr. Gandhi said had got into the papers that I used at Ermelo the term "coolie trader". I do not think I did. If I did it was by pure inadvertence, and it was never used by me intentionally. I may also allude to Mr. Gandhi's observations that the relief which the British Indian in Transvaal has received in the matter of trading licenses was received not from the Government but from the Supreme Court, and he made it a question rather than of a grievance, of courteous complaint against the Government, that the representative of the Government had argued against the case of the Indian trader before the Court. Now, I am surprised that a gentleman of Mr. Gandhi's experience of British institutions should have made this a subject of criticism. I am sure that he really knows, as well as I know, that the Government all over the British Empire only interprets and carries the law of the moment. Until a law is changed - whether it is in the opinion of the Government good or bad, wise or unwise, - its only function is to execute that particular law. Now, as ^{to} the decision of the Supreme Court, while in the days of the South African Republic the British Government acted as pleader, its rôle has been reversed, and it became executive Government, and as Executive Government it was bound to assume that the law was as it had always been

stated to be in the country before, and, therefore, not only could it not dispense itself and the British Indians from the provision of the law as it was then understood to be, but it was part of the duty of the Government to make the best case it could before the Court of the interpretation of the law which had hitherto prevailed. And it was greatly to the interest of the British Indians that the Government should take that view because if the Government had not argued the case against the British Indians no one else would have been in a position to ~~xxxx~~ argue the case properly, and if the Supreme Court had then given the decision in favour of the Indians, public opinion in this country would have said that it had been given in their favour because the other side had never been argued. The position would not have been accepted. While at the present moment many people it is idle to deny, dislike the decision, nobody doubts the correctness of the law, and, therefore, not only was the Government not open to the criticism of Mr. Gandhi, but it did a positive service to the British Indians in taking the line it did. I will not go into details, into Law 3 of 1885, and those provisions which might seem to bear the interpretation that in certain defined streets or squares or wards the British Indian might own landed property, because the discussion of and the position in that important question is a part, and only a part, of the whole in which I am now going to deal.

I say here to my British Indian fellow-subjects as I said to my Transvaal fellow-subjects, that it is a matter of distress and sorrow to me that in any respect the ^{splendid} theory of absolute equality between all British subjects should in practice have to be departed from. But we have to look the facts in the face, and, while it is true that the proclamation of Queen Victoria to which Mr. Gandhi rightly referred as the Magna Charta of the British Indians, yet it is absolutely true that in a complete organisation like the British Empire, you have to apply each principle according to the ^{conditions} of the case. You have to take the British Empire as a whole; you have to take it as one body.

Now, I ask the members of this deputation - here is a concrete illustration of the point that I would drive home - is there one of these gentlemen, loyal British subjects as they are, patriotic British Indians as they are, is there one of these gentlemen who would say that he thinks it would be wise or possible that the immigration of British Indians into South Africa should be absolutely unrestricted and unlimited? I am sure that there is no responsible thinking British Indian who would say that. Well, if this is once admitted, then my task is comparatively easy. I need not ask you the question, because I understand that Mr. Gandhi admits it as a reasonable man; but I do emphasise this point that in considering this question, no ground can be permanently gained for the assertion of the principle unless public opinion is behind it. ^{The force of} Public opinion in all parts of the Empire is every day growing. It is not confined only to the self-governing Colonies or to the United Kingdom, and so I say any attempt to deal with this question of immigration of British Indians into the Transvaal, which does not carry with it the public opinion and assent of reasonable and just-minded men, is doomed to failure. And it is for the interests not only of South Africa, not only of the British Empire as a whole, but of India as one of the most important parts of the British Empire; it is for the interests of India that this subject should be dealt with not by force or by theory, but with the recommendation of facts and carrying public opinion in the Transvaal behind it, because after all, true as it is that a British Indian has a hereditary right as a British subject, it is equally true that the Transvaaler has his rights as a British subject, and in any consideration of this question to take only the British Indian point of view would be of no avail unless consideration was also given to the opinion of the British subject in his own country. That is the policy at present. Just as in India the opinion of the population of India must ever have more and more weight, so it is to the opinion of the Transvaal that a wise British Government must always look which has to deal with this question, and it has been with these general principles in my mind that I have endeavoured

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to indicate what has appeared to me the only wise and just course. I have said that no non-refugee British subject should be allowed in the Transvaal until the people have their own representatives and are in a position to state their opinion upon it. I repeat that I affirm it here. I affirm it without an restriction. It has been suggested today that for the purposes of business Indians should be allowed in without restriction as regards bringing in clerks, assistants, etc., I shall not give that permission, for if the door were once thrown open and the principle abandoned I do not know where I should be able to draw the line. At present the principle is a very clear one. British Indians who were in this country before the war, many of whom rendered brave service during the war, in respect of them I have said absolutely, and I say it here again, I would never be a party to taking steps to send them out of the country, and I shall always use my influence, with the force of public opinion, to deal with them on this line of justice; but as regards those who were not here before the war, the principle of unrestricted emigration is so vital and important to the interests of this country that the line the Government has laid down, namely, that the Government will not deal with it until the people have their own representatives to deal with it, is a sound one, and it is one to which I shall adhere. It is a matter of sorrow to me that I should in any respect have to put any restriction upon the movement of my fellow-subjects in any part of the Empire, but I have indicated clearly to you the ground why I have thought it is my duty to do that, and from that line of duty I will not depart.

Mr. Gandhi expressed the thanks of the deputation to the High Commissioner for having given them so full a hearing, saying also that as regards His Excellency's emphatic declaration, with reference to new permits, he had of course, fully dealt with the matter, and could say nothing more, though he would be glad, even at this eleventh hour if it were possible, for temporary permits to be granted, which would be of great assistance to them. He respectfully submitted that to prevent new Indians entirely, even temporarily, from coming to this country would be a great distraction to British interests.

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The High Commissioner:- What I have said, of course, refers to permits to reside. Temporary permits will of course, be considered by me on their merits and in the strictest sense of the term temporary, and they would not in any case be given in any large number. As regards the regulations, I recognise the reasonableness of Mr. Gandhi's request. If regulations be enforced they should be only such as are necessary.

In answer to Mr. Haji Habib, His Excellency gave the assurance that permits to refugees would be granted as fast as applications were received and considered.

The deputation then withdrew.

(I have bound up this article of my own on the constitutional issue, which was written before the last Imperial Conference.)
Among the questions which had to be faced in South Africa,

during the conversations which led to the suspension of the Asiatic Bill, earlier in the year, one of the most important was the constitutional problem. It is certain to come into prominence at the Conference itself.

Leaders of public opinion in India when writing to the newspapers and speaking in the Assembly at Delhi referred to the King's veto as if it might be exercised in order to prevent the Asiatic Bill from being finally passed, into law. This gave rise to a considerable amount of discussion in the South African Nationalist papers. Before the Round Table Conference takes place it is important to know exactly where South Africa and India stand today in imperial concerns. About South Africa the question is by no means easy to answer, because in recent years various sovereign rights have been silently admitted in the case of Canada, and these have naturally been regarded in South Africa as applying to that Dominion also. Furthermore, General Smuts, when in Europe, was continually active in claiming what might be called 'the most favoured nation' clause among the imperial dominions. Faced by the rising power of the nationalists in his own country, he did his utmost to obtain whatever sovereign rights he could before his return to South Africa, and he was on the whole successful.

As far as I have been able to gather, after making careful enquiry in South Africa, and elsewhere, the position today is briefly this. Ever since the negotiations concerning new Irish constitution were completed, it has been acknowledged that South Africa's status within the British Empire should be in no way inferior to that of Canada or the Irish Free State.

The main point lies in the use of the phrases "Governor General in Council" and "King in Council". The former, for all practical purposes, means nothing more than the South African Government in power. Except at a supreme crisis, the Governor General would never think of advising the King to veto a Bill, which had been finally accepted by both Houses of the Union Parliament in a strictly constitutional manner.

Let me go back and explain more in detail what has happened, as far as I could get at the facts. Up to the present time there has been a certain informal check kept upon South African Union legislation, especially that affecting subordinate races. The King-in-council, by which was originally meant the King acting on the advice of his British Ministers, was able to withhold his consent. It was understood, of course, that this power of veto was unlikely to be exercised by the King, on the advice of his British Ministers; but all the same, a salutary check was there, and it was known to be available as a last resort, especially for any racial legislation.

But after the Great War, the national dignity of South Africa became more sensitive with regard to the superior control over its own legislation by the British Cabinet. Therefore, after considerable negotiation and discussion, General Smuts claimed for South Africa what was technically called the 'higher status'. He asked that in future the Dominion Parliament should possess exactly the same status in relation to the King as the British Parliament at Westminster. Thus the King in future would be advised, in all South African matters, not through the intervening medium of the British Cabinet, but directly through the Cabinet of the South African Union. The King, to put the matter very roughly would be advised in South African matters by General Hertzog and not by Mr. Baldwin. Though this last expression is not strictly accurate, it does represent in a graphic manner what the change would denote if it actually were to come about in its final form. At present the Dominions Department under Mr. Amery takes cognisance of all new measures. But it is clear that this is becoming more and more a diplomatic relation, and that no prohibition use of it is possible.

The aim before South Africa as far as I can gather is this, that the South African Bills, passed in a constitutional manner, should be sent by the Union Cabinet direct to the King through the Governor General in Council. They should suffer no revision by the British Cabinet.

This means today, with the Nationalist Government in power

that the King would be regarded as being constitutionally bound to accept the advice of General Hertzog tendered by the Earl of Athlone, the Governor General, so long as that advice is supported by a clear Parliamentary majority in both Houses. The point to be gained by this 'higher status' may appear to be a slight one, when a superficial view is taken. But more and more it is to be seen to be of very grave importance for those communities which are entirely unrepresented in the South African Union Parliament. By the Europeans in South Africa, this change to a higher status would be generally welcomed, as placing South Africa more directly under the King. It would be regarded at the same time, among the Nationalists themselves as one step further forward towards independence. Many of them are eagerly looking forward to the day when they will belong to a great South African Nation, having its own flag, its own president, its own ambassadors and consuls in foreign countries, its own navy and its own foreign policy.

The British in South Africa have been greatly disturbed by this whole nationalistic programme and their alarm over the National Flag Bill last session was almost vehemently expressed. But the British are in the minority numbering only one-third of the whole European population. They have, however, been consoled by the thought that the personal link with the King, would receive even stronger emphasis if this change to the 'higher status' were granted. They deeply resent the imputation that the signature of the King Emperor to the Acts of Parliament should be regarded in future as nothing more than a 'rubber stamp'. Mr. Tielman Roos used that vulgar phrase, and it has never been forgiven him.

The British in South Africa have sometimes pointed out to the intervention of the King in person, in the Irish question, when it had reached an insubstantial stage in the year 1914. But it is rightly argued by the Nationalists, that the King's interference in that instance, was to prevent a deadlock, not to veto a Bill which had already been passed.

When we turn to India, we can realise at once how backward the status of the Indian Empire is compared with that of South Africa.

The Secretary of State for India is a Member of the British Cabinet. Indian affairs are debated in the British Parliament. The whole theory still remains that the British Parliament is responsible for the good government of India and that the Secretary of State himself personally revises all the Governor General-in-Council's Despatches.

Thus evidently one of the greatest difficulties before the coming Round Table Conference at Capetown will be to distinguish at each point between the status of India and the status of South Africa. India cannot wholly forge the ultimate appeal to Great Britain for support and sanction. Her actual position, as we have seen is still that of a Dependency. Yet it has to be recognised that the strongest appeal to South African Nationalists will be made by means of direct dealing between the two countries. Interference by Great Britain is certain to arouse intense opposition, and it should be avoided as far as possible.

While such a 'higher status' as I have outlined may be wholly admirable for Canada and the Irish Free State, where there is only a white population, it is now beginning anxiously to be felt in South Africa by those who are deeply interested in native and Indian welfare that an extremely important court of appeal against racial legislation would be lost if it were to be finally passed. They note with dismay that, since the 'higher status' has been proposed and demanded, Colour Bar Bills and Asiatic Bills and other measures of racial character have followed one another in quick succession. They claim that the subordinate races should be able to look up to the King for protection as they did in the earlier days.

Last of all, confusion exists on one particular point which it is necessary to clear up. There is still in India and also in British Africa a common idea that Bills affecting the native races and Asiatics in South Africa are by statute held over for a year until they have been carefully considered by the Governor General, acting as the King's representative, in order to see that no racial injustice is being committed. Reference is often made to the recent ordinance in Natal depriving Asiatics of the municipal franchise. This was held up for a year by the Governor

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Governor General. But such a statutory revision only applies to provincial ordinances. It is based on Section 148 of the South African Act, where the object is to maintain uniformity of policy in all the racial legislation of the provinces, so that the wider statemanship of the South African Union as a whole, in native and Asiatic affairs, may not be jeopardised or impaired by the provincial action. Therefore it is clear that this provincial clause of the Act of Union will not apply to the present dispute between South Africa and India, which is not a provincial matter, but one affecting the whole of South Africa.

ARTICLES BY L. E. NEAME
on the
ASIATIC DANGER
and
EXTRACTS FROM BOOKS.

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ASIATICS IN THE COLONIES. 235

A case for Australasia.

L.E. Neame

In recent articles dealing with the Asiatic problem in Natal and other parts of the Empire it was shown how immigration from the Eastern nations had been encouraged for years, though present policy inclines to serve restrictive measures. But one part of the Empire has always stood firm on the question, sometimes even going to ridiculous lengths in endeavouring to establish the Closed Door.

Although - perhaps because - Australia has practically no native population which counts in the labour market, the Colonies have as a rule been strongly against the introduction of Asiatics. Today the Asiatic population of the great South Land is probably under 40,000 - less, in fact, than it was a decade ago. But at one time there was in some quarters a tendency to indent upon Asia. The squatters in the North, feeling the pinch of an ill-supplied labour market, were eager to secure anyone - Polynesians, Indians, Chinese, or even English convicts. The experiments tried with Asiatics did not prove very successful, and local feeling was so strong against the measure that it was not widely resorted to. It is interesting, however, that Sir Henry Parkes, subsequently the great opponent of Asiatic labour, once sent to Madras for Eurasian compositors to set up his Empire newspaper.

As far back as 1854, Sir Charles Hethan, the second Governor of Victoria, after a tour round the Goldfields, reported to the Home Government that he thought the introduction of Chinese into that Colony undesirable.

But the gold discoveries attracted Chinese in considerable numbers, and at length Bills of drastic measure were introduced in the different legislatures. The favourite scheme was a poll-tax of £10 and a law that only one Chinaman should be brought by ship for every 100 tons registered tonnage.

The Chinese Government protested against this "discriminative legislation" of such a character, from which the subjects of other Powers were exempt. In the end various modifications were introduced, but the correspondence and the language used by

Australian statesmen form one of the most remarkable chapters of Colonial history and are striking evidence of the importance which was attached to the question.

On behalf of New South Wales which had more Chinese than the other Colonies, Lord Carrington advanced seven reasons for restricting Chinese immigration. He wrote on April 2nd. 1858:-

"We desire to impress upon Her Majesty's Imperial advisers the more prominent phases of the Chinese question, as it specially and almost exclusively affects the Australian section of the British people; firstly, the Australian ports are within easy sail of the ports of China; secondly, the climate, as well as certain branches of trade and industry in Australia, such as the cultivation of soil for domestic purposes and tin and gold mining, are particularly attractive to the Chinese; thirdly, the working classes of the British people, in all the affinities of race, are directly opposed to their Chinese competitors; fourthly, there can be no sympathy, and in the future it is to be apprehended that there will be no peace, between the two races; fifthly, the enormous number of the Chinese population intensifies every consideration of this class of immigration with the comparison of with the immigration of any other nation; sixthly, the most prevailing determination in all the Australian communities is to preserve the British type in the population; seventhly, there can be no interchange of ideas of religion or citizenship, nor can there be inter-marriage or social communion between the British and the Chinese. It is respectfully submitted that the examination of these principal phases of the question can only lead to one conclusion, namely, that the Chinese must be restricted from emigrating to any part of Australasia".

In a memorandum submitted on behalf of the Colony of Victoria, where the Chinese increased from 2,000 in 1854 to 42,000 in 1859 - stress is laid on another side of the question:-

"Members of the European family of nations forming our community become amalgamated with the general population; they bring their wives and children with them; their habits of life, their style of civilisation, their religion and morals and their physique are so much in an equality with our own that they blend

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readily with the population and are heartily welcome. The Chinese stand out in marked contrast. They come without their women and children, apparently having no intention to settle, and occupy an isolate position in every community where they are found; the 'Chinese quarter' in our cities and principal towns is proverbial; it is always distinct and often noxious. Nor is it a mere fact of this isolation, but the impossibility of its being otherwise. The Chinese from all points of view are so entirely dissimilar as to render the blending of the peoples out of the question. They are not only of an alien race, but they remain aliens. Thus we have not a colonisation in any true sense of the word, but practically a sort of peaceful invasion of our land by Chinese.

These views were the views of Australia generally. No doubt there was a feeling in Northern Queensland in favour of Kanaka labour, while Western Australia showed a preference for Chinese. But these were the minorities. The majority of the people were anti-Chinese.

New Zealand, however took the quaintest action. In the Government Gazette of May 18th 1888, appeared a notice in these words:-

"The following Proclamations are published for general information; and it is hereby notified that strict quarantine will be enforced in reference to all the vessels arriving at any port or place in New Zealand from or having touched at any of the places, mentioned in the Proclamations re-published hereunder, or having received any person or thing whatsoever from or out of any vessel coming from or having touched at any of such places".

These Proclamations declared that:-

- (1) "The Empire of China and the British Possessions of Heng-Kong are infected with the disease called small-pox
- (2) "The Island of Sumatra is infected with a disease called cholera".
- (3) "The Island of Java and the Island of Eastern Archipelago are infected with the disease called cholera, and Mauritius is infected with the disease called small-pox.

Undoubtedly the strongest case for the employment of imported

non-white labour is found in the tropical parts of Queensland. But even here it is argued that white men can do the work, Sir Henry Parkes, in his autobiography, recollects Sir Samuel Griffith replying to the argument that white men could not do the work there, interposing sharply: "Who says they can't do it? I say they can!"

Sir Henry Parkes speaking on the Chinese Restriction Bill 1888, in the New South Wales Legislative Assembly, put the case for Australia as strongly as anyone could:-

"In this crisis (he said) of the Chinese question, and it is a crisis, we have acted calmly with a desire to see the way clearly before us; but at the same time we have acted with decision and we don't mean to turn back. Neither for Her Majesty's ships of war nor for Her Majesty's representative on the spot, nor for the Secretary of State for the Colonies, do we intend to turn aside from our purpose, which is to terminate the landing of Chinese on these shores for ever, except under the restrictions imposed by the Bill which will amount, and which are intended to amount, to practical prohibition".

It may be that of late years the Australian Colonies have adopted a selfish attitude towards possible immigrants, and have not shown a desire to obtain a larger white population. But as the power of the East becomes greater, Australian statesmen will see the need of a strong white population. And at least Australia deserves praise for having acted up to the ideal of a White Man's Country.

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"THE ASIATIC DANGER IN THE COLONIES".

Whilst the problem in Natal may be economic, in the Transvaal it is entirely due to race-prejudice and colour-mania. The so-called "National Convention" at Pretoria in 1904 gave no data upon which to found the statement that the turnover of the Indian stores in Potchefstroom in one year was £94,000, or the, in consequence of this competition, thirteen or fourteen white stores had to close down. That statement had not the slightest foundation of fact, and a challenge has been issued by the British Indian Association to prove it, but has remained so far unaccepted.

It was this same Convention that passed a resolution, by an ever-wholring majority, that all Asiatics, of whatever status, no matter of they were reigning Princess of India, should be relegated to locations, set apart from white people, for their special delectation. It is obvious, therefore, that little credence can be given to "facts" emanating from so tainted a source.

Further, your contributor holds it amiss because the Indian storekeepers of Pietersburg were stated to have imported 70 per cent of the goods brought into the district. Granted that the facts are as he alleged, did the Indian traders not pay for these goods in British sterling? Did they not employ a whole army of men - mostly Europeans - in their manufacture, their carriage, their distribution? Did they not pay customs dues on them? Did they not pay freight and transport on them? Why are all these economic factors neglected in studying the bearings of Indian trade?

In an address by Sir William Wedderburn, Bart., to the members of the East Indian Association in 1903, he quoted from a petition signed by 1,340 Europeans protesting against the agitation set up against the Indians residing or trading freely in the country, to the following effect:-

We firmly believe that the agitation owes its origin, not to their habits as regards sanitation, but to trade jealousies, because owing to their frugal and temperate habits, they have been able to keep down the prices of necessaries of life, and have therefore been an inestimable boon to the poor classes of the society in the State.

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Conditions have not changed since that petition was published, and when Mr. Neame contends that, per head of population, the India is got so great a consumer as the European, he forgets that this same Indian has been the means of enabling the European of the poorer classes to obtain not only the merest necessities of life, but even some of life's most appreciated luxuries.

Then, again, he quotes Mr. Loveday's preposterous figures relating to £500,000 sent annually to India through the Post Office as if £5 per annum sent to India per head of the Indian population in South Africa is going to drain the country dry! In any case, that half-million circulates amongst a starving Indian peasantry, relieves to that extent, and more, Government famine-funds, sets free sums of money for the defence of the Empire, and in other ways contributes to the circulation of capital within the Empire, which cannot but react favourably, if indirectly, upon South Africa itself. This I take it is an imperial gain. Moreover, not a word is said of the large sums of money that are sent to Eastern and Southern Europe by alien competitors of these British subjects, and while I do not wish to labour this point unduly, it should certainly be placed on record. The Manchester Chamber of Commerce, indeed, does not appear to be at one with your contributor in his contention that the manufacturers of England, as interested parties, should be averse to the existence of British Indians in South Africa. In a letter addressed by that representative Chamber to the Colonial Office, protesting against the legislative exclusion of British Indians from the South African Colonies, it says:-

This exclusion appears to the Chamber to be unjust to the natives of India, who are considered to be entitled to the same rights as other subjects of the King of free movement and residence in any part of the Empire, entirely unrestricted by any legislation such as that complained of. It is regarded as unpolitic also, and as prejudicial to the interests of the colonies themselves. The Chamber entertains, not without reason, a high opinion of the qualifications of His Majesty's Indianborn subjects for their good citizenship, their intelligence, their peaceful disposition and their commercial aptitudes.

In face of such eulogy from the "enemy" themselves, Mr. Neame's argument must fall to the ground. *To be continued*

"THE ASIATIC DANGER IN THE COLONIES" ²⁴¹

(Concluded)

The Indian agriculturist in Natal has proved himself an economic necessity, as has his commercial brother in the Transvaal, and it is idle to allege that he is not a most serious factor to be considered in the whole structure of the Empire.

The fact is that South Africa, by reason of its geographical position, is probably destined to be the scene ^{of} ~~with~~ a remarkable struggle between the Eastern and Western concepts of material life - the struggle between a simple and complex civilization. If the Indian is, in the view of a European, of a lower degree of civilization than himself, surely it is of the essence of a good rule and statesmanship to develop the former (he being a reasonable and intelligent person) a higher conception of the part that he is to play in the world's social and economic fabric. For the South African Colonist to endeavour to maintain him forever in his so-called natural sphere as a hewer of wood and a drawer of water merely perpetuates and increases the present difficulties and does not solve the problem.

If South Africa is to be overrun with Indians it will mean that various colonies will receive that supply of agricultural and industrial labour of which they stand today so very much in need. Surely the "economy and frugality" that will enable them to develop the enormous resources of the country, rather than the foolish expenditure upon unnecessary luxury, will more than counter-balance so far as the prosperity of the Empire is concerned, the difference between the consumption of the Indian and the white man! Who that reads the statistics of imported foodstuffs and other similar necessities of the South African colonies does not blush for shame? If the "industry and frugality" of His Majesty's Indian subjects can make a garden out of a wilderness - even at the possible but not probable expense of a diminution of the white population - will not the Empire as a whole benefit?

Suppose, however, that there is actually a large influx of Indians into South Africa, as your contributor suggests, and that they enter into competition with the white population. Mr. Neame says nothing as to the powers of organisation and combination possessed by the whites, enabling them to successfully overcome any

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any and every competition of the Indians. He makes no remark on the impediment of language and of race and colour prejudice against which the latter have to contend. I challenge your contributor to name one Indian firm that will bear an instant's comparison, in magnitude of trade, with the great European wholesale houses with branches everywhere in South Africa. There is, I maintain, not one that, compared with these, is other than a petty trader's concern. The Indian storekeeper acts as the connecting link between the native and the poor white on the one hand, and the wholesaler on the other; and, as such, is an invaluable economic factor in the commercial welfare of South Africa.

The indentured "coolie" again, could be dispensed with tomorrow if the colonists of Natal would work the soil themselves, or develop the dormant agricultural instinct of the natives. The whole bundle of grievances against the Indian is factitious, for it is within the power of South Africa tomorrow to get rid of him, bag and baggage. He is wanted and he stays. But the legal restrictions imposed upon him are so many and so galling as to deter more than a limited number of Indians from entering the country or, from having entered, from remaining. And for those who remain their moderation more than merits passing notice, if one may judge from the demands and the offers of the British Indian Association in the Transvaal and the Natal Indian Congress in Natal.

I would not labour these points but for the fact that such articles as those of your contributor, under scare-heads such as "The Asiatic Danger" may, and will, do great harm to those of my constituents now in this country, the prejudice against them being already great enough.

Sir Harry Parkes' contention as to Chinese cannot possibly have reference to British Indians. The former are aliens, the latter British subjects. Are three-quarters of the population of the Empire to be aggrieved by reason of British breach of faith? Are the frontiers of the Empire to be endangered by the dissatisfaction of three hundred millions of His Majesty's Indian subjects because Imperial pledges are disregarded and Imperial promises are callously broken at the bidding of a few fanatical provincials?

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Is India to become a menace to the Empire because its people are debarred from their rightful share in the privileges and responsibilities of British citizenship in any part of the King's dominions? How long will the East bear such treatment?

Dealing with the whole question of the attitude of whites to the Indians in South Africa, Mr. Archibald Colquhoun sums up his views as follows:-

The question of the treatment of Indians in South Africa is one that should be impartially studied by all thoughtful men, both in Great and Greater Britain, since it illustrates a weak point in our Imperial system to which it would be fatal to be blind.

Can it be that the problem of the British Indian in South Africa is destined to be the rock upon the good ship "Empire" is eventually to split?

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ASIATICS IN THE COLONIES

What is the remedy.

In previous articles dealing with the Asiatic difficulty in the Colonies, an attempt was made to show the effect of Asiatic competition, especially in the West Indies and Natal, whilst the manner in which Australasia has dealt with this problem was also reviewed. But more important than lamenting over the policy of the past, is the discovery of some reasonable way of dealing with the question in the future. The need for a definite common line of action amongst what may be called the White man's Colonies is urgent.

The Asiatic danger is the greatest problem which affects Colonies as a whole. On the tariff question, on protection of free trade, the error of one generation can be retrieved by the next. But once throw the door open, once admit Asiatics in the mass, and a country has accepted a burden which must ever grow heavier.

Up to the present the restrictions in the different White Man's Colonies of the Empire have been based on the same principles. The clauses in the Acts in Australia, New Zealand, Cape Colony and Natal, all insist on the immigrant writing a European language from dictation.

These clauses have proved effective with one exception. The system of indentured labour prevailing in Natal means that the back door of South Africa is left wide open. Asiatics pour in as indentured coolies and at the end of five years become free men.

With the Chinese labourers on the Rand there is not this leakage. The indentures terminate in China and not a man is entitled to remain in the Colony or to compete with white men.

There are two important considerations when dealing with the Asiatic question in the Colonies. The first is to prevent a further influx into those lands which may be fairly regarded as White Man's Country. In the West Indies the difficulty is not the same. The Asiatics have increased the prosperity of the land which cannot absorb a surplus white population - though time may show that even here a mistake was made. But in South Africa,

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Australia, Canada and British Columbia, the door must be firmly and gently closed against a horde of Asiatic labourers who must always remain a community apart. This can be done by insisting that the indentures of contract labourers shall terminate in the country from which they come. There is nothing harsh or unjust in this. It is simply a business proposition in the real interests of the country. The labour supply in South Africa inadequate as it is today, will in time, by the natural increase of the large native population and the gradual training of the Bantu to more regular work, become sufficient. The 50,000 or 60,000 Chinese who now keep the Rand Mines going are not wanted for all time.

The Indian labour which swarms over Natal may be useful to this generation, but it will sadly trouble a future. But even in the Garden Colony a new system might be arranged. The attitude of the Indian Government does not appear to be set so sternly against a method by which indentures terminate in India as is generally supposed. When the Transvaal opened negotiations for 10,000 coolies from India to work on the railways "under an indenture providing for their repatriation on the termination of their period of service," ~~the~~ objection was not to the proposed form of contract. The words of Mr. Lyttleton's despatch are:-

"The Government of India was not prepared to meet the wishes of the Transvaal Government while the position of British traders resident in the Transvaal remained in an unsatisfactory state.

The Government of India asks for the following conditions for the Indians in the Transvaal:-

- (1) The abolition of registration for Indians generally, and the substitution therefor of a measure for keeping undesirables out of the Colony.
- (2) Securing that locations for Asiatics should be restricted to those classes for whom they are ~~required~~ required on sanitary grounds.
- (3) Allowing business to be carried on outside locations.
- (4) Replacing the restrictions on the acquisition of real property by Asiatics by a general law against speculative acquisition.

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- (5) Exempting better-class Asiatics from all special restrictions and allowing them to have Indian servants to reside with them.

These conditions would not, perhaps, meet with the approval of the Transvaal, but probably the Indian Government could be induced to accept slight modifications, especially regarding the servant question, which would be open to abuse as the Chinese abused the regulations in Australia, and all Asiatics break those which exist in Portuguese East Africa.

But somewhat upon these lines a reasonable solution could be arrived at, providing first for the exclusion (or if admitted as indentured labourers, the repatriation) of future masses of Asiatics; secondly, give better conditions to the Asiatics already in the Colonies, especially the better class population. The rulers of South Africa have favoured some such solution. Lord Milner wrote in May 1904:-

I thought it would be possible, by giving to Asiatics of a higher class, a special status, and treating them as Europeans, to avoid, at any rate, the appearance of race legislations. I still believe that, if the European, and especially the British, population of this country would be induced to see this matter in a reasonable light such a course would provide not indeed a perfect, but a fairly satisfactory solution of the difficulty. It is not, in my opinion, an influx of Asiatics of the upper and middle classes (professional men and merchants, as distinct from small traders) which really threatens this community. If by treating this class liberally we could induce the Government of India to acquiesce in virtual exclusion of the petty trader class, who are out of place here; and at the same time to agree to the introduction, under conditions ensuring their ultimate return to their native country, of Indian labourers whom we greatly need, and who would earn in this country such wages as they can obtain nowhere else in the world, I believe that the arrangement would be beneficial both to the Transvaal and India.

Lord Selbourne, speaking at Krugersdorp in October 1908:-

"As regards the Indians already in the country before the war The British Government ever and ever again pressed on the Government

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of the South African Republic measures for the amelioration of the conditions of the British Indians already in the country, and asserted its duty to protect them. They might approve or disapprove of the action of Her late Majesty's Government. So far as he was aware it was undoubtedly approved by the General body of the British public opinion in South Africa. Now, he asked them, as fair men, would it be consistent with honour if now that the country belonged to the British Empire the Government and himself as respecting the King were to turn round and deal with the British Indians in the country differently to the manner in which they always pressed President Kruger to deal with them?

Lord Selbourne admitted: "It is a matter of distress to me, of sorrow to me, that in any respect the splendid theory of absolute equality between all British Subjects should in practice have to be departed from." But he also said:-

"It is to the interests not only of South Africa, not only of the British Empire as a whole, it is to the interest of India as one of the most important parts of the Empire, that this subject should be dealt with not by force nor on theory, but with the recognition of the facts and carrying public opinion in the Transvaal behind it, because after all, true as it is that the British Indian has a right as a British subject, it is also equally true that the Transvaaler has a right as a British subject, and any consideration of this question that only took in the British Indian point of view would be of no avail if the greatest weight were not given also to the opinion of that British in whose own country the particular controversy has arisen".

A united, settled policy for all the great Colonies of the Empire should be based on these principles:-

- (1) Keep out masses of Asiatics as permanent residents as far as possible at all costs.
- (2) If indentured labour is needed insist upon repatriation on expiration of contract.
- (3) Fair and generous treatment to those Indians who have, under the conditions of the old days, become part of the population of the country.

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(4) No irritating restrictions on the movements of the temporary visitor or traveller.

This is a policy which can be understood. It is based on the principle of self-preservation, not on prejudice to colour, or religion, or habits of life. This is the stand for the Colonies to take. Admit that the Asiatic has in many parts worked well for us; in some parts is still welcome today. But setting aside colour prejudice or narrow-minded bigotry of race, the Colonies capable of supporting a white British population must declare that, on the highest ground, the future of the country and Their Empire, they cannot open wide the door to inferior masses who, with all their virtues, will under-live and under-sell them.

With such a policy there must be no vexatious restrictions to insult the educated man - things more irritating and harmful than the regulations which quietly keeps out thousands of the poorer class. The cultured traveller of the Eastern world ought not to have to submit to treatment which is not even meted out to a pauper immigrant on a New York quay. He should not have to consent to having his thumb impressions taken like a criminal, or be threatened as the extremists of the Transvaal threaten him, with instant removal to a location, no matter whether he be a Judge of the Indian Bench or a Prince of a Rajput family considered sufficiently civilised to entertain the future King and Queen of England.

But without definite policy against Asiatic immigration the value of these Colonies to the Empire, and to the White races of the world, must inevitably diminish.

THE ASIATIC DANGER IN THE COLONIES.

In the March issue of the Empire Review there appeared an article by Mr.L.H.Neame dealing with the Alleged Asiatic danger in the Colonies. Permit me to reply to your contributors statement.

It is a great pleasure to find that Mr. Neame raises the question of the presence of Asiatics in South Africa to the higher level of Imperialism, foras he truly remarks, "today it is more of an Imperial question than it has ever been; it threatens, indeed, to become a matter of world policy". I am content to argue the case for the Asiatic upon that basis; but, before doing so, the ground must be cleared of all cause for misunderstanding. Your contributor is obviously only dealing with British Indians, but he is most unfortunate in making use of the term "Asiatics". The issue is thereby confused, and Mr.Neame runs the risk of being charged with exaggeration and carelessness in the manipulation of facts.

The Asiatics in South Africa are Chinese and Indians (for the Cape Malays are not true Asiatics), but the Chinese may be raked out of the discussion, for, apart from the comparatively few store keepers, they are mostly of the class of indentured labourers at work on the Rand, and at the expiration of their term of indenture, they will be re-transported to China.

There thus remains only the problem of the Indians to be dealt with, and it would be wise to remark at once that, out of the 130,000 British Indians in South Africa at this day, no less than 30,000 are under contract of labour to the mines or on the estates of Natal. It is of these 130,000 Indians that we must speak, and it is your contributor's contention that their presence in the sub-continent is a perpetual menace to its permanent prosperity and to its future existence as a white man's country.

The total population of South Africa, as revealed by the census taken in 1904, was, roughly, 6 1/2 millions. The total white population was something over 1,135,000. Therefore the white population was to the Indian as 11.5 to 1 approximately. It is admitted that, in the Cape Colony, Natal, and the Orange Free River Colony, the white population increased in ten years by 61.4 per cent.

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It is manifest then, that the Indian proportion of 1 in 12,5 of the total white and Indian population had done nothing to impede this enormous increase in the numbers attributed to the Europeans. The white population in Natal, in fact, more than doubled itself between 1891 and 1904.

Taking as a correct the calculation of your contributor that in 1916 there will be a quarter of a million Indians in Natal, a very large number of these would be under indenture. The balance, of course, would follow the occupations and avocations open to free men. It is asked, in view of this fact, what is to be the future of the millions of natives in the "Garden Colony".

Forty five years ago the citizens of Durban asked Sir George Grey to sanction the first importation of indentured labour into Natal. Now forty five years is a big space of time in the rapid development of a new country. During those forty five years, what efforts have been made by the colonists to realise their duties towards the native population? For the whole of that period the same question has had to be faced by them, and is today as far from solution as ever. Short of compulsory labour for the natives, what is to guarantee that the same riddle will not have to be faced in another forty five years hence? Mr. Archibald Colquhoun, in Africander land, has gone on the root of the matter at once, when he says that the British Indians that they "owe their success to two points in which they can easily beat either the European or the native - their industry and frugality". Can anything on earth change this relationship within a measurable period of time? The facts must be boldly faced. The white man in South Africa has one of three alternatives if he does not choose to avail himself of Indian labour. The first is that he must work the land himself. This he will not do, for it is an axiom in South Africa that the white man must not do work that is fit only, in his estimation, for the coloured man. I opine that it will need more than ten years' moral instruction to imbue him with a proper appreciation of the dignity of manual labour, and no nation that ever shirked the duty of tilling the soil ever consolidated its nationality, or became aught, when all is said and done, but a race

of serf-owners, dependent for its very existence upon the despised labour of a so-called inferior people.

The second alternative is to compel the native to work. That course might have been adopted half-a-century ago, but in these days of telegraph and cable, and of earnest endeavour to do away with all taint of legal compulsion, and develop a sense of individual freedom and responsibility, it scarcely seems to be within the domain of practical politics.

The last alternative is to let the country and its industries lie idle, pending an awakening either on the part of the whites or of the natives. Probably this will not appeal to the colonists any more than the other two proposals.

If then, they will not avail themselves of one or the other of these courses of action, it only remains for them to fall back upon the much abused India, and whilst that is so, there need be no more talk of a white South Africa, with Chinese indentured labour on the mines, Kaffir service in domestic life, and agriculture given up to the indentured Indian. Indeed, the Transvaal Leader, one of the most important organs of public opinion in that colony, deliberately says:-

Now it is as well to be plain in this matter. The Transvaal never has been and never will be a white man's country. We cannot kill off the blacks by the same curious processes that have been used to decimate the aborigines in other countries.

(to be continued)

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"THE ASIATIC DANGER IN THE COLONIES"

(Continued)

Having so far dealt generally with your contributor's essay, I will now examine certain specific issues that he has raised, but before doing so, I would remove certain causes for probable misapprehension. The question in Natal is very different from that in the Transvaal. In the latter, it is almost entirely one of Indian competition in petty trade, and with that aspect of the problem I will now deal.

The first distinction to be made, in the Transvaal, is between the number of licenses issued for the purposes of trade and the number of traders.

Many traders held more than one license, and several have licenses without trading. The number of licenses, therefore, is no criterion of the number of traders. The second point meriting more than passing notice is the confusion of the issue by your contributor, in that his figures seem to deal, not with the town of Pietersburg, not with the town of Petchefstroom, but with the districts of which these towns are the licensing headquarters.

A further cause for misunderstanding lies in the fact that, in his article, Mr. Heams has called all hawkers and pedlars "traders", whereas every petty storekeeper recognises the name as a specific distinction of a particular section of the community. The only valid ground of complaint is on the score of alleged unfair competition of Asiatic storekeepers. The pedlars and hawkers, who are acknowledged to be a vital economic necessity, should therefore be left out of account, though I shall refer to them in due course.

Dealing first, then, with the town of Pietersburg, the figures given by your contributor are totally incorrect. There were before the war twenty-three British Indian traders in that town.

Their names were published in the Johannesburg Star of December 10th 1904. Mr. T. Kleinberg, Mayor of Pietersburg, was challenged to refute the fact, and declined to accept the challenge. Today there are only twenty-three Indian storekeepers in that town. I have their names for production if necessary. My figures, too, are up-to-date.

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Before the war there were twenty-two Indian traders in the town of Fetshefstroom. Their names are at your contributor's disposal. That there are few licenses issued does not matter. Today there are no more than nineteen such traders. Their names are also ready for publication, if your contributor so desires.

Dealing with Mr. Heame's figures for the Johannesburg Municipal area, I am in a position to definitely state that, on December 31st 1904, there were some 540 odd general dealers' licenses granted to Asiatics, of which approximately 300 were granted to Indians. On December 30th 1905, there were some 525 general dealers' license granted to Asiatics, of which approximately 270 were granted to Indians. The balance of such licenses were in each case attributed to Chinese. There is therefore a total decrease of Indian general dealers' licenses as against a total increase of Chinese. On November 28th 1905, your contributor states that there were 1,293 Asiatic trading licenses. Even if he included pedlars and hawkers, I do not think that his contention as to the accuracy of his figures holds good.

The following figures are authorised by the Licensing Officer of the Johannesburg Municipality:-

Date	Total Asiatic licenses.	Number of hawkers.
December 31st 1904	1487	1438
March 31st 1905	1487	1425
June 30th 1905	1419	1345
September 30th 1905	1326	1259
December 30th 1905	1314	1218

From the above figures it is obvious that there is a gradual decrease in the number of Asiatics to whom such licenses are granted, and the contention of the British Indian Association is borne out, that Johannesburg is being gradually depleted of its Asiatic population, which tends to migrate to certain provincial towns.

Lastly, I would point out that the gravamen of your contributor's charge that there is a tendency in this Colony for the Asiatic to usury the trade of white men. Even in peddling and hawking if Johannesburg be a criterion, I am authoritatively informed that,

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as against a total decrease of Asiatics, there is a total increase of whites. Mr. Neame, indeed, deduces, from the facts that the official figures show that there is a decrease in hawkers' licenses and an increase in the occupation adopted by Asiatics, that the ~~latter~~ latter are, as is stated to be the case in Natal, gradually usurping occupations that could be filled otherwise by Europeans. Unfortunately the official statistics are faulty, and the deduction suffers accordingly. For instance, it is assumed that in 1903 there were no Asiatic butchers, whereas, in 1904, there were 40, and in 1905, 33. I am assured, on the contrary, by persons in a position to know the exact facts, that Indian butchers existed in 1903, and the reason for their non-appearance in the official returns is attributed to the fact that no licenses were required of them at that time. The same applies to dairies, laundries, and restaurants. None of these appear on the licensing record till 1905. To my certain knowledge Indians filled those callings long before that date, and where licenses were in force the explanation is that the people concerned evaded payment thereof. Moreover it must be remembered that the licenses imposed were not for revenue purposes, but to facilitate inspection, and their imposition is quite a recent innovation.

It must furthermore be understood, that the "erstwhile" hawker rarely, in the Transvaal, became anything else; certainly not a butcher, a dairyman, a laundryman, or a successful store-keeper. The genius of the one is very different from that of the other.

The statement that the Indian is ousting the white man from the petty trade of the Cape is equally inaccurate. The fact is that there are very few Indians in that Colony, most of whom are confined within the area of Cape Town, and their numbers are gradually dwindling.

(To be Continued)

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"THE ASIATIC DANGER IN THE COLONIES".

Whilst the problem in Natal ^{L.F. Neame} may be economic, in the Transvaal it is entirely due to race-prejudice and colour-mania. The so-called "National Convention" at Pretoria in 1904 gave no data upon which to found the statement that the turnover of the Indian stores in Potchefstroom in one year was 294,000, or that, in consequence of this competition, thirteen or fourteen white stores had to close down. That statement had not the slightest foundation of fact, and a challenge has been issued by the British Indian Association to prove it, but has remained so far unaccepted.

It was this same Convention that passed a resolution, by an over-whelming majority, that all Asiatics, of whatever status, no matter of they were reigning Princes of India, should be relegated to locations, set apart from white people, for their special delectation. It is obvious, therefore, that little credence can be given to "facts" emanating from so tainted a source.

Further, your contributor holds it amiss because the Indian storekeepers of Pietersburg were stated to have imported 70 per cent of the goods brought into the district. Granted that the facts are as is alleged, did the Indian traders not pay for those goods in British sterling? Did they not employ a whole army of men - mostly Europeans - in their manufacture, their carriage, their distribution? Did they not pay customs dues on them? Did they not pay freight and transport on them? Why are all these economic factors neglected in studying the bearings of Indian trade?

In an address by Sir William Wedderburn, Bart., M to the members of the East Indian Association in 1903, he quoted from a petition signed by 1,540 Europeans protesting against the agitation set up against the Indians residing or trading freely in the country, to the following effect:-

We firmly believe that the agitation owes its origin, not to their habits as regards sanitation, but to trade jealousies, because owing to their frugal and temperate habits, they have been able to keep down the prices of necessaries of life, and have therefore been an inestimable boon to the poor classes of the society in the State.

Conditions have not changed since that petition was published, and when Mr. Neame contends that, per head of population, the India is not so great a consumer as the Europeans, he forgets that this same Indian has been the means of enabling the European of the poorer classes to obtain not only the merest necessities of life, but even some of life's most appreciated luxuries.

Then, again, he quotes Mr. Loveday's preposterous figures relating to £500,000 sent annually to India through the Post Office as if £5 per annum sent to India per head of the Indian population in South Africa is going to drain the country dry! In any case, that half-million circulates amongst a starving Indian peasantry, relieves to that extent, and more, Government famine-funds, sets free sums of money for the defence of the Empire, and in other ways contributes to the circulation of capital within the Empire, which cannot but react favourably, if indirectly, upon South Africa itself. This I take it is an Imperial gain. Moreover, not a word is said of the large sums of money that are sent to Eastern and Southern Europe by alien competitors of these British subjects, and while I do not wish to labour this point unduly, it should certainly be placed on record. The Manchester Chamber of Commerce, indeed, does not appear to be at one with your contributor in his contention that the manufacturers of England, as interested parties, should be averse to the existence of British Indians in South Africa. In a letter addressed by that representative Chamber to the Colonial Office, protesting against the legislative exclusion of British Indians from the South African Colonies, it says:-

This exclusion appears to the Chamber to be unjust to the natives of India, who are considered to be entitled to the same rights as other subjects of the King of free movement and residence in any part of the Empire, entirely unrestricted by any legislation such as that complained of. It is regarded as unpolitic also, and as prejudicial to the interests of the colonies themselves. The Chamber entertains, not without reason, a high opinion of the qualifications of His Majesty's Indian-born subjects for their good citizenship, their intelligence, their peaceful disposition and their commercial aptitudes.

In face of such eulogy from the "enemy" themselves, Mr. Neame's argument must fall to the ground. *To be continued*

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"THE ASIATIC DANGER IN THE COLONIES"

(Concluded)

The Indian agriculturist in Natal has proved himself an economic necessity, as has his commercial brother in the Transvaal, and it is idle to allege that he is not a most serious factor to be considered in the whole structure of the Empire.

The fact is that South Africa, by reason of its geographical position, is probably destined to be the scene ^{of} ~~the~~ a remarkable struggle between the Eastern and Western concepts of material life - the struggle between a simple and complex civilisation. If the Indian is, in the view of a European, of a lower degree of civilisation than himself, surely it is of the essence of a good rule and statesmanship to develop the former (he being a reasonable and intelligent person) a higher conception of the part that he is to play in the world's social and economic fabric. For the South African Colonist to endeavour to maintain him forever in his so-called natural sphere as a hewer of wood and a drawer of water merely perpetuates and increases the present difficulties and does not solve the problem.

If South Africa is to be overrun with Indians it will mean that various colonies will receive that supply of agricultural and industrial labour of which they stand today so very much in need. Surely the "economy and frugality" that will enable them to develop the enormous resources of the country, rather than the foolish expenditure upon unnecessary luxury, will more than counter-balance so far as the prosperity of the Empire is concerned, the difference between the consumption of the Indian and the white man! Who that reads the statistics of imported foodstuffs and other similar necessaries ~~of~~ into the South African colonies does not blush for shame? If the "industry and frugality" of His Majesty's Indian subjects can make a garden out of a wilderness - even at the possible but not probable expense of a diminution of the white population - will not the Empire as a whole benefit?

Suppose, however, that there is actually a large influx of Indians into South Africa, as your contributor suggests, and that they enter into competition with the white population. Mr. Weame says nothing as to the powers of organisation and combination possessed by the whites, enabling them to successfully overcome any

any and every competition of the Indians. He makes no remark on the impediment of language and of race and colour prejudice against which the latter have to contend. I challenge your contributor to name one Indian firm that will bear an instant's comparison, in magnitude of trade, with the great European wholesale houses with branches everywhere in South Africa. There is, I maintain, not one that, compared with these, is other than a petty trader's concern. The Indian storekeeper acts as the connecting link between the native and the poor white on the one hand, and the wholesaler on the other, and, as such, is an invaluable economic factor in the commercial welfare of South Africa.

The indentured "coolie" again, could be dispensed with tomorrow if the colonists of Natal would work the soil themselves, or develop the dormant agricultural instinct of the natives. The whole bundle of grievances against the India is factitious, for it is within the power of South Africa tomorrow to get rid of him, bag and baggage. He is wanted and he stays. But the legal restrictions imposed upon him are so many and so galling as to deter more than a limited number of Indians from entering the country or, from having entered, from remaining. And for those who remain their moderation more than merits passing notice, if one may judge from the demands and the offers of the British Indian Association in the Transvaal and the Natal Indian Congress in Natal.

I would not labour these points but for the fact that such articles as these of your contributor, under scare-heads such as "The Asiatic Danger" may, and will, do great harm to those of my constituents now in this country, the prejudice against them being already great enough.

Sir Harry Parkes' contention as to Chinese cannot possibly have reference to British Indians. The former are aliens, the latter British subjects. Are three-quarters of the population of the Empire to be aggrieved by reason of British breach of faith? Are the frontiers of the Empire to be endangered by the dissatisfaction of three hundred millions of His Majesty's Indian subjects because Imperial pledges are disregarded and Imperial promises are callously broken at the bidding of a few fanatical provincials?

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Is India to become a menace to the Empire because its people are debarred from their rightful share in the privileges and responsibilities of British citizenship in any part of the King's dominions? How long will the East bear such treatment?

Dealing with the whole question of the attitude of whites to the Indians in South Africa, Mr. Archibald Colquhoun sums up his views as follows:-

The question of the treatment of Indians in South Africa is one that should be impartially studied by all thoughtful men, both in Great and Greater Britain, since it illustrates a weak point in our Imperial system to which it would be fatal to be blind.

Can it be that the problem of the British Indian in South Africa is destined to be the rock upon the good ship "Empire" is eventually to split?

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AN ASIATIC POLICY.

The well-known writer L.E.N. has now finished his able article contributed to the Rand Daily Mail on Asiatics in the Colonies. He has suggested the following measures for dealing with the question :- (1) Keep out masses of Asiatics as permanent residents as far as possible, at all costs. (2) If indentured labour is needed insist on repatriation on expiration of contract. (3) Fair, even generous, treatment to those Asiatics who have, under the conditions of the old days, become part of the population of the country. (4) No irritating restrictions on the movements of the temporary visitor or traveller. L.E.N. winds up by saying: "With such a policy there must be no vexatious restrictions to insult the educated man - things more irritating and harmful than the regulations which quietly keeps out thousands of the poorer class. The cultured traveller of the Eastern world ought not to have to submit to treatment which is not even meted out to a pauper immigrant on a New York quay; he should not have to consent to having his thumb prints taken like a criminal or to be threatened, as the extremists of the Transvaal threatened him, with instant removal to a location." With a presentment such as this we can heartily agree except in one particular. In fact the policy sketched out by L.E.N. is one that has been accepted by the Indian community. The exception, however, that we have in mind is a very serious one. If indentured labour be introduced from India, whether for the Rand Mines or for the plantations of Natal, it should not be subject to the repatriation clause. Had such labour not been introduced, probably the Indian question would never have arisen in South Africa, but if it is considered absolutely essential to the prosperity of any portion of South Africa that indentured Indian labour should be introduced, it is only fair that, after the men have been so introduced, and, in the words of the late Mr. Edgecombe, have given the best five years of their lives, they should be free to settle in the country and reap the reward of their servitude by following any honest occupation they may choose. Even the late Sir William Wilson Hunter, who was known for his extreme moderation and who was always credited with being able to take a sane view of things, did not hesitate to consider the state of indentured

labour as one "perilously near slavery". The least therefore that such men are entitled to, is freedom of residence in the country which they have served so well. We think therefore that L.E.N. would have added greater weight to his contributions had he treated the question of free Indian immigration on its own merits, because such immigration is a matter of Imperial policy, whereas the question of indentured labour is a matter of contract and bargain.

Considerations that guide the examination of the one question do not necessarily apply to that of the other; in South Africa where both the Transvaal and Natal are largely dependent on indentured labour, either from India or other parts of Asia, it is extremely necessary to bear this distinction in mind.

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THE ASIATIC PROBLEM.

Using the British Columbian incident as a text, the Rand Daily Mail, in its leading columns, deals with the Asiatic problem at some length. We quote the gist of the article below, and comment elsewhere on some of the points raised:-

The ~~great~~ problem which seems local today may in another generation have become of world-wide importance. It may threaten to divide the globe into opposite camps of Occidental and Oriental; it may lead to the dismemberment of the British Empire. The Asiatic question in the Colonies involves two distinct problems. The lesser is the treatment to be accorded to Asiatics, whether British citizens or not, already residing in a country; the greater involves an answer to the question whether certain sections of the earth can for ever be marked "For White Men Only". But the United Kingdom today needs two things. As Professor Seely has more than once pointed out it must have new lands capable of absorbing its surplus population. And, as Mr. Balbur remarked only a few months ago, it must ever be opening up new markets for its manufactures. The whole crux of the Asiatic problem, as far as the Empire is concerned, is whether the insistence upon the one will involve the destruction of the other. Broadly speaking the greatest market of the future for America and Europe is amongst the teeming millions in Asia. But the pressure of population in the East is greater than it is in the West. The movement demands an outlet; yet the doors to the best vacant lands are closed. The real Asiatic peril is therefore an economic one. It lies in the fact that the Eastern peoples, knowing how essential is their market to the white nations, may ultimately insist upon some concession in return for freedom of trade; may in the end bluntly say that an open market on the one hand must go with an open door on the other. These outburst of popular feeling indicate a tendency; to the far-seeing man they foreshadow a possible danger. They prove that there is already ~~xxxxxxxxxx~~ present a vague idea of retaliation for supposed wrongs, a growing demand to be no longer treated as people on a lower scale of civilisation. And as the enormous power which can be exercised with the lever of commerce is more and more recognised the attempt may be made, probably will be made, to obtain concession in return for commercial privileges.

It seems absurd that any British subject shall be refused admission to the British Colony. But the Colonial objection to Asiatic immigration is based mainly upon the fact that the Asiatics blend with neither race. The Asiatic remains distinct. He is a strange element complicating any system of Government. If he is given the franchise he might rule the entire country, as, numerically the Indians with franchise would govern Natal. This the Colonies claim, and they wish the Home public to understand their position, that they have a perfect right to say who shall cross their borders. The Imperial Government may recognize this today. But the Imperial Government have to consider many issues and meet many pressures from many quarters. The people of Canada, Australasia and South Africa will readily admit the difficult position in which the Imperial Government would be placed if the whole question of Asiatics in the Colonies were raised in a more definite form - as one day it will be. The very magnitude of the issues appal. Remembering the rapid advances of the Asiatic nations it is impossible to see where the problem may end. But whilst the cloud on the horizon is no bigger than a man's hand, it is essential that the home public should have a clearer perception of Colonial ideal and be prepared to overcome difficulties to support the policy which in the long run must be the best for future of the Empire. What is needed, it seems to us, is a plain statement of Colonial policy, which the Imperial Government could pledge itself to support, and thus let the Eastern world see that a definite line of action had been decided upon. To some extent a movement has begun. In the course of the next few months representation will be made by Japan and China regarding Asiatics in the British Colonies, whilst the Indian National Congress is sure to once more take the subject up at the Calcutta meeting in January. It would therefore, it seems to me, be well if the Colonial Conference which meets in London in April made some definite pronouncement for the guidance of the Imperial Government and the English public. It had already been announced that the Conference will be free to discuss any subject it wishes and no matter of more vital importance to the Colonies could be brought forward. The fact that the Indian Government will be represented is an additional reason for action, for the whole matter could then be thoroughly threshed out.

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In January demonstrations on a very large scale had been made at Durban to prevent the landing of two ship loads of Indians who had come from Bombay. Two or three thousand men had assembled on the quays, and expressed their intention of forcibly ejecting any India who attempted to put his foot on shore. A good deal of over-violent language was used by the leaders of the agitation, and a nasty crisis was only averted by the tact of Mr. Escombe, the then Attorney-General, who, in an address to the crowd, threw the responsibility of any bloodshed that might occur upon the leaders of the agitation, yet at the same time promised that Government would in the present Session bring in measures to deal with the question. But though the words and actions of the extreme agitators were disapproved by a majority of men I met, I was left in no doubt that even the most moderate of the colonists desired that the Indian immigration should be checked. These men do not attempt to hide the value of the Indian to the colony in a variety of ways; for they allow that a great deal of the prosperity of the colony is due to the influx of Indian labour on the sugar, tea, and fruit estates. And they say that if only agriculturists came from India they would make no complaint. White men cannot work the fields in Natal, and therefore Indians whom they do the work with a greater degree of intelligence than the Kaffirs would be welcome. But the immigration of Indians is not confined to the agricultural classes only. Swarms of petty traders have also come in and entirely ousted the class of small white traders who used formerly to find a living in the colony. Larger Indian traders are acquiring property in the principal towns, and conducting considerable establishments. Indian artisans are competing with European artisans, and gradually driving them out of the field.

Theoretically it may be argued that such competition must in the main be of advantage to the colony, that it will reduce the price of commodities to the consumer and the price of labour to the employer. And in practice many of the colonists follow out the theory; for the farmer's wife, if she can get her necessaries cheaper from an Indian store than she can from a European store, will go to the Indian, and many of the agitators employed Indians largely where Europeans might have been used if they could have been had for equally low wages.

Yet, in spite of this inconsistency, they would prefer to see the country rid of Indian traders and artisans; and this deep underlying feeling which prevails among the colonists was made especially clear to me by the past and present Mayors of Durban, Mr. Jamason and Mr. Payne, who took me round the town and showed me the immense progress which had been made by the British settlers, and explained how they wished to hand the colony down to their children a British Colony and not a semi-Asiatic country like Mauritius. They argued that they and their fathers had fought for it and formed the foundation of its prosperity. I was shown when forty years ago only a few rough houses formed the nucleus of the present town of Durban, and from the clock-tower of the present Town Hall was pointed out how the town had grown to its present size, street after street being formed, and shops, business houses and hotels springing up on every side. I was then taken to the line of quays, and shown the immense improvements which had there been made till Durban had become one of the first ports in South Africa. And the question which presented itself to me was, "Would all this have been accomplished if the proportion of Indians to Europeans had been greater? Allowing that the Indians have a large amount of enterprise and commercial ability, have they the initiative and energy to push a young colony?" The colonists believe they have not. They believe that with every Indian trader who takes up a position which might have been filled by a European, there is a loss of that impulsive force which a young colony requires. The Indian is separate from the European settler in religion, customs, ideals and principles. There is no possibility of his amalgamating with the original British and Dutch settlers, as Germans, French, and Russians would. The two will always remain separate. Moreover the Indian is passive not active. He has none of that 'idée du corps' of a European settler; none of that feeling that he is a part of the colony, and that, apart from his own interests, he must push the interests of the colony as a whole, that indeed his own interests are inseparably wrapt up in the interests of the whole community. This is what the colonists feel about the Indians, and that is what is the root of their opposition to them. Germans, French or any other European nationality may come as many as they please, and they are welcome.

because they settle down, intermarry, they become part and parcel of the community interested in its welfare and ready to further its progress. But the Indians the colonists regard as a blight upon the colony, as doing no active harm, but as occupying places which, but for their presence, might have been occupied by others who would have become active powers for good in the development of the colony.

And what of the Indian side of the question? Undoubtedly, to the Indian Natal is a perfect paradise. The climate is exactly suited to him, neither too hot nor too cold; and he obtains there wages for his labour and profits on his business enterprises which he could never obtain in his own country. At the same time he is under a strong government which protects him in a way he would never obtain in his own country. He has his grievances, and of those I was made acquainted by Mr. Gandhi, the leading merchant of Durban. But I think these are not so much grievances at their present as at their prospective treatment. Mr. Gandhi, the spokesman of the Indian community and the butt of the agitators, is a particularly intelligent and well-educated man, who has studied for three years in England and lives in a well-furnished English villa at Durban. At a dinner, to which he and the leading Indians invited me, I found merchants who had visited England and several other countries in Europe, who had bought steamers in Glasgow and conducted business on a large scale, and who could talk fluently in English on all the current events of the time. Such men as these naturally resent the use of the word "coolie", which is indiscriminately applied to high and low caste Indians by the colonists. And they complain of the objections frequently made to their travelling in upper class compartments in the trains and tramcars. But while they complain of being classed separately from Europeans, they are much offended at Kaffirs being classed with them. And, on the whole, in spite of occasional rudeness from rough colonists, I do not think that the Indians in Natal are badly treated personally, and compensation for injuries can always be obtained in the law courts, where the astute Indian is well able to look after his interests.

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What, however they have to feel anxious about is their future treatment. As Mr. Gandhi pointed out to me, the restrictions placed upon them are being increased year by year, and they feel that they must protest against each, not so much because any single restriction placed upon them so far has been too unbearable, but because these restrictions are now accumulating to a degree when they might be, and they think that without protest they may be piled more heavily still. Originally they had the franchise in full. Now this is restricted, and a poll tax is levied on Indians who remain in the colony at the close of their term of indenture. Finally, the Natal Government this year brought in measures which, though they are not ostensibly directed against Asiatics, were undoubtedly intended to check their immigration. In deference to the wishes of the Imperial Government no mention was made of class or colour, but Town Councils were given the power to refuse the grant of annual trading licenses to persons not keeping their books in English, or dwelling in premises not fit for the intended trade, or provided with proper sanitary arrangements; and the immigration laws were so amended that any person who was unable to write out and sign in the characters of any language of Europe a particular application form, or any person who was not possessed of available means of subsistence of his own to the value of £25, might be refused admission to the colony.

This is how the colony of Natal has attempted to deal with the difficult and delicate question brought upon it. The Indians lay claim to completeness of liberty upon their status as British subjects; and to put restrictions on British subjects in a British colony is an anomalous attitude. But the law of self-preservation is the first law of being; and when we find young men in England advised against going to Natal and other parts of South Africa because the position they might otherwise have taken up is now occupied by Indians, we need not be surprised that the colonists are so determined to restrict the immigration that they affirm that if the price of Empire is that it must necessarily allow every Indian exactly the same privileges that would be granted to a native of Great Britain, then they would prefer to be independent of the

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Empire and be free to work out their career by themselves. And Indians have no great right to complain even if immigration is restricted; for during all the centuries of the past they might have done with Natal what British colonists with courage and enterprise and resource now have accomplished. It can therefore be no special hardship or injustice to them if the colonists allow them to eat of the fruit of their labours in limited quantities and refuse to allow them to bear down the whole tree.

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Mr. Gandhi landed at Durban, and discovered immediately that in South Africa the Indian is classed with the raw native.

On his first day in Durban he went into court, and sat there in his turban of an Indian barrister. He was ordered to remove his hat or leave the court. He left the court.

Having to be in Pretoria for his case, he took a first-class railway ticket. But a fellow-passenger objected to travelling with Indians, so Mr. Gandhi was sent into the van-compartment. He refused to go, and was forcibly ejected, and his luggage pitched out on to the platform. The train departed without him. To complete his journey he had to travel by coach. He happened to be sitting on the box-seat, and someone else wanted to sit there and smoke. He told Mr. Gandhi to accommodate himself at his feet, and when the Indian would not move, he struck him in the face.

So innocent was he still that, on arrival at Johannesburg, he drove up to an hotel. He was denied admission.

It seems likely that at this point, Mr. Gandhi began to consider the question of the status of the Indian. And he entered upon a twenty-one years struggle on behalf of his fellow-countrymen in South Africa. It was after the Boer War that he became an attorney in Johannesburg.

In the Boer War Mr. Gandhi and his followers took the British side in the expectation that, since their grievances in the Transvaal had been a matter of much complaint against the Boer Government, their position would be alleviated. But they found, when the war was over, that the little finger of Lord Milner was thicker than the loin of President Kruger. Kruger had required them to pay a registration fee on entering the Transvaal, and had refused to allow them - officially - to own land. Lord Milner not only suggested that they should re-register - should go indeed further, and give their finger-prints as a means of distinguishing between residents and would-be immigrants - but sought to prohibit future immigration altogether.

And yet for this they could not blame Lord Milner as an individual. "I hold" wrote Lord Milner, "that when a coloured man possesses a certain high grade of civilisation, he ought to obtain what I

might call 'white privileges' irrespective of his colour For the present, however, there is no prospect whatever of their prevailing, certainly as far as Asiatics are concerned. There is, perhaps, more chance in the case of the coloured people of South African birth; and no doubt their claim is a stronger one, inasmuch as they are natives of the country, and have no choice but to live here, while the Asiatics are strangers forcing themselves upon a community to receive them!

That is a point: a community reluctant to receive them. White opinion was as much against the Indian in Lord Milner's time as it is today. It was all very well, clamoured the white South African in the ears of Lord Milner, for the Indian to claim the privileges of a citizen of the British Empire, it was all very well for the British Empire to feel a duty towards India, but where did he, the South African, come in? Was he to pay for Great Britain's generosity? Was he, burdened already with a problem of four black and coloured men to one white man, to be made the dumping-ground for the over-flow of a polygamous people, hundreds of millions strong, coming out chiefly in the capacity of labourers, waiters, hawkers, and small tradesmen, forcing their European competitors out by under-selling and under-living them? Could he help it that India was a land where people got born and died with such depressing ease, and that the existence bitterly depended on whether the Lord sent a monsoon that year or not? He had his own house to keep in order, he could not allow the cheap and embarrassing Asiatic to force out the rare and precious European. He regretted that what suited the Empire did not suit South Africa, but he had to see to his own self-preservation.

Between the Indian and the South African stood the Imperial Government, anxious to do its duty towards the Indian, but still more anxious to conciliate the latest colony - very, very anxious not to interfere. After refusing on its own behalf to sanction any anti-Asiatic legislation, it left the matter in the hands of the Parliament newly set up by Sir Henry Campbell Bannerman in the Transvaal.

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The new Government, represented in this matter by General Smuts as Colonial Secretary, went briskly to work. The compulsory registration of Asiatics, their identification by means of fingerprints, their almost total exclusion from the Transvaal were put into force..

Mr. Gandhi approached General Smuts on behalf of his fellow Asiatics, making demands and suggestions, making diminishing demands and diminishing suggestions. Let there be any administrative restrictions they pleased, he finally said, let them admit in a year six Indians - no more than six, and only of the highest standing - six men to lead and stimulate the outlawed community in South Africa, but let there, nominally, at least, not stand any longer against all Asiatics this grievous Act branding them as one with criminals.. In opposing, in 1925, the Colour Bar Bill, brought in by General Hertzog's Government, General Smuts repeated Mr. Gandhi's words to him "Do not dishonour us. We recognise that there must be distinctions, but do not cast a stigma upon us in the laws of your country".

But the repeal of the Act was refused. And it was now that conciliation having proved useless, Mr. Gandhi had recourse to the weapon which he then called Passive Resistance - the exercise of soul force, but which he subsequently, in India, spoke of as non-co-operation.

It was in the exercise of Passive Resistance that Mr. Gandhi perfected his creed of self-abnegation. Governments might do what they liked with his body. His spirit was invulnerable. He and his followers refused to obey the Act. They moved in and out of the Transvaal without registering their finger-prints, went to gaol, worked out their sentences, again refused to register and again went to gaol. And, finally, following a new Immigrants Regulation Act in 1913, a spectacular climax was achieved. Over two thousand Indians, led by Mr. Gandhi, defied the inter-provincial immigration laws which were calculated to stem an Indian incursion from Natal into the Transvaal, and made a pilgrimage from Natal across the Transvaal border, and allowed themselves to be arrested.

That was the end of it. What could one do with a population that made it a point of honour to inhabit gaols ?

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General Smuts came to an agreement with Mr. Gandhi. Today the law excludes:-

"Any person or class of person deemed by the Minister (of the Interior) on economic grounds or on account of standards or habits of life to be unsuited to the requirements of the Union or any particular province thereof....."

It most decently (and that is now tradition) makes no mention of Asiatics, and Mr. Gandhi was at last able to return to India, triumphant in the knowledge that there no longer stood "a stigma against us in the laws of your country.."

But, of course, he knew, and General Smuts knew, and they shared their knowledge with everyone else, that "economic grounds" and "standards and habits of life" meant simply Asiatics, that it meant indeed, with little qualification, Indians, British Indians.

General Smuts forthwith issued an order "deeming" all Asiatics on these grounds unsuited to the requirements of the Union. In 1924 the validity of this order was tested in the Appellate Division of the Supreme Court, and it was upheld.

And the Indians in South Africa are today in a worse position than they have ever been.

In the old Republican days of the Transvaal there was passed a law which forbade Asiatics to own fixed property. The hardships of that law were avoided. Either the Asiatic - in general terms the Indian - had his property registered in the name of a white trustee and held a mortgage over it to safeguard his rights, or else - but that came later - he formed himself, with the co-operation of a friend or two, into a limited liability company, which, being merely an abstraction of law, an artificial person, separate and distinct from the personality of his shareholders, could naturally not be the subject of racial restrictions. It was all very simple. Hundreds of companies were formed. There was a public agitation. The point was tested in the courts and found good. After all, a company was an artificial person. The agitation grew. Even the Great War did not stem it. Parliament was at last compelled to amend the law. In 1919 provision was made specially to exclude from owning land such companies as were controlled by Asiatics, nor were Asiatics henceforth allowed to hold property under the guise of mortgages.

They could only, in pursuance of bona fide loan transactions, be mortgagors. Now, if their nominal white trustee became insolvent, they have no claim on their own property except as current creditor for the value of the property. They take the risk.

Two years later a Government commission recommended, among other things, that "there should be no compulsory repatriation of Asiatics; but that voluntary repatriation should be encouraged. That there should be no compulsory segregation of Asiatics; but that a system of voluntary separation should be used. That in Natal the right of Asiatics to acquire and own land for farming or agricultural purposes outside townships should be confined to the coast belt. That there should be no relaxation in the enforcement of the Immigration Laws, and more active steps should be taken to deal with prohibited immigrants who have evaded the provision of these laws."

In 1924 a Class Areas Bill was introduced by General Smuts. It failed to pass. But something much on the same lines - that is compulsory segregation of Asiatics - is projected by the Pact Government together with its Colour Bar Bill, which, as has been said, classes Asiatics with natives, and is intended in practice equally to debar them from performing skilled work.

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(The South Africans)

A white South Africa. In the Orange Free State, where the old Republican laws still prevent "Asiatics and other coloured persons from trading or carrying on any business whatsoever" there are altogether four hundred Asiatics. In the Cape, which maintains an amiable tradition towards colour, but has not so many opportunities for Asiatics and is not so near Natal as the Transvaal, there are eight thousand. In the Transvaal there are seventeen thousand. And in Natal there are one hundred thousand and forty-five thousand and they almost equal the white population.

It was in 1860 that the sugar planters of Natal begged a reluctant Government to allow them to import labour from India. The Kaffir, they said, could not do the work. He was less reliable and useful. He had a tendency to get homesick for his Kraal. Let them indenture Indian labourers. They would pay the Indians ten shillings a month, rising yearly until, in the fifth and last year of their indentures, they would be getting fourteen shillings a month. One might plant sugar profitably like that. And one might encourage the Indians to settle in South Africa and keep up the supply of labour by giving them land instead of return passages to India. or, at least, one might provide for their remaining in South Africa five years after the expiry of their indenture.

The Indians began to come to Natal. They poured into Natal, and on the African Coast of their own Indian Ocean, they propagated their species. They spread themselves comfortably over the land, not as trespassers, not merely as licensed foreigners, but as invited compatriots, escorted into the country by monetary grants from the Government....

Until, in the 'nineties, those white people in Natal who were not planting sugar cane, found themselves making mathematical calculations. If the Indians went on increasing at their present rate -----!

They began, in a panic, to take measures against Indian immigration. They compelled the deletion from the indenture contracts of the provisions that labourers should remain in Natal five years after the expiry of their indentures. They prevented, by force, the landing of two shiploads of Indians.

Their first Prime Minister Mr., afterwards Sir Harry Edcombe, introduced Bills, which subsequently became the Licensing and Immigration Laws of 1897, pointing out that "Unless an arrestation was put upon the introduction of immigrants from India, the whole social policy would be disturbed ..." and that, "having regard to the character of the people who were coming into the country (deck passengers as a rule who only paid two pounds or so for their passage and who were, therefore, in no flourishing condition of life), it was easy for the whole of the population of this country to be, as it were, submerged by the new arrivals, entailing a competition which was simply impossible as far as Europeans were concerned, whether in trade or agriculture, on account of the different habits of life."

The system of indentured labour was, however, allowed to continue though without Government grants, till 1911, and in that year the sugar planters made final efforts to import as many labourers as possible.

In 1924 there were one hundred and forty-five thousand Asiatics - that is, in practical effect Indians - in Natal, as against ten thousand in 1876. More than half the Indians of the indentured class have been born in South Africa, and many are in the fourth generation.

The story is told of an Englishman, recently arrived in Durban, who suggested that the Indians ought to return to their own country "How long have you been here?" asked an Indian. "Two months." "Then it is for you to go home, not me. This is my country. I was born here, and my father was born here, and my grandfather was born here".

That and not unjustifiably is the Indian's attitude. He was asked to come to Natal, and now that Natal is his home, he likes it. As a worker on a sugar plantation he is paid to-day, according to his capacity, anything from thirty-seven shillings and sixpence to twenty-five pounds a month; he goes to school, becomes an artisan, a small trader, a farmer, a merchant, and occasionally, a professional man. If his father was a scavenger, he is not, as he would be if he remained in India under its caste system, also condemned to be a scavenger. He is still allowed the same land rights and privileges as Europeans, and comes under the same liquor laws, although, as regards trading licences, he falls under the authority of his municipal

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and may thus suffer discrimination in favour of European competitor. Why, then, should he go back to an India he does not know, to contend with its swarming multitudes, its terrible taboos, its sahibs and famines?

But where an Indian trader comes, a European has to go. Where an Indian boy is employed, a white boy's pride is insulted. Where an Indian settles on the land, the neighbouring farmers will not stay, and since only Indians will buy the contaminated estate, the ground comes gradually to be transferred into exclusively Indian hands. Where an Indian buys a home, a locality loses class.

Now the Transvaal is pointing its finger to Natal as an example of what may happen when restrictions are relaxed. There is much talk of an Asiatic menace, some fair, but some unfair; anti-Asiatic associations are formed, Asiatic traders are boycotted, and it has even happened that their shops have been picketed to prevent the approach of buyers.

Finally, when an eleventh Minister was recently to be included in the Cabinet, a member with many claims on his party was rejected because he was chairman of a company which included Indian shareholders.

Of all this hostility, the measures which are now being brought forward in Parliament to class the Asiatics with the Kaffir are the inevitable result. And although it is perhaps true that, as a notable South African politician remarked privately, the ordinary South African Indian is of a caste shunned by those very men who, in India, urge the extension of Indian privileges in South Africa, ("We'll bring one of them out, and see how he himself likes to rub shoulders with his fellow-countrymen here") although the Asiatic in South Africa is not necessarily a person of the highest culture or standing, yet it is not surprising that a son of Mr. Gandhi has returned to his father's earliest battle-ground to spur his race once more to battle...

But the first thing that happened to him was that, history repeating itself, he was summoned, as was his father a generation ago, for travelling in a first-class railway compartment not reserved for Asiatics.

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(South Africa from Within)

In other directions the difficulties of the Government were accumulating. There was a growing feeling amongst traders against the competition of Asiatics, who were establishing themselves in the country towns of the Transvaal, and threatened to oust their European rivals from the field. Owing to their lower standards and requirements of living, they were able to undersell their competitors and they obtained wide patronage amongst the white rural population owing to the credit facilities which they gave. The ministry were pledged to deal with the problem, and in 1913 they introduced a comprehensive Immigration Bill, which became an Act of Parliament in June. Immediately another passive resistance movement was begun. Gandhi again took the lead, and was imprisoned. After the industrial troubles on the Rand had subsided for the time being, the Government seriously took in hand the administration of the Act. In Natal, also, a poll-tax was imposed upon Indians, and when this was enforced 5,000 of them went on strike, and 2,700 of them commenced a march upon the Transvaal with the object of securing free passage, of whom 116 were imprisoned or fined. The matter was taken up on their behalf by Lord Hardinge, the Viceroy of India, who made a strong protest, and thus raised the question to one of imperial importance. The Indians had been disposed to regard the British Government with hostility, and to break out into sedition, because they thought that the South African Government was being allowed to set the Empire at defiance; but general approval of Lord Hardinge's attitude was expressed. The Home Government again found itself in a dilemma, between the conflicting views and interests of the Indian Government and that of the newest self-governing Dominion. It was a strange position, in which representations of a diplomatic character had to be made to General Smuts to stay his hand in regard to the South African Indians. However, these representations had their effect and the Union Government agreed to appoint a commission, on which a distinguished Indian civilian, Sir Benjamin Roberts, was to advocate the cause of the British Indians. The commission reported early in 1914, and recommended the abandonment of the tax, and suggested modification of the Immigration Law in the case of married Indians.

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The British Indians, however, led by Mr. M.K. Gandhi, led a powerful agitation against the registration statute, and a "passive resistance" movement was inaugurated, which ultimately assumed large proportions. Gandhi and several other Indian leaders were imprisoned, and large numbers were deported to India. The Indian Government made a protest; but the Imperial Government did not see its way to interfere in the affairs of a self-governing Colony. The measure in question was accompanied by another, providing for the restriction of immigration, which was also aimed, in the main, at the British Indians. Attempts at compromise were made in 1908, but these failed, and in the same year fresh registration and immigration Acts were passed, which, while modifying the law in certain respects, made it more stringent in others. However, a large number of Asiatics registered themselves under the Act of 1908. On the other hand, until the end of 1909, eight thousand Indians had been compelled to leave the country, and 2,500 had been imprisoned for failure to comply with the Registration Act. Agitation on the subject continued under Gandhi's leadership, and had not ended when the Union was inaugurated.

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Lord Milner, taking the broadest view of the situation and sympathising with both sides, confessed himself defeated by the problem. He wished to meet the case by concessions and privileges to the better class Indian, but he found so little support that he was eventually obliged to give his sanction to measures which, while they did not satisfy the Africander on the one hand, was no more successful in redressing injustice to the Indians on the other. He expressed his own dissatisfaction with the result, but it was the best he could do for the Indians and better than any responsible Government would have done. In this case, as in some others, Africander opinion has been the decisive factor, even though actual legislative power did not rest with the people of the Colony. The situation remains in this unsatisfactory condition, and no further legislation is possible until the colony is self-governing. The Indians feel that when that time arrives they have little left to hope for; but such interests as they have are safeguarded to a certain extent by the provision that all legislation regarding them must be reserved for the Governor's sanction.

The point at issue is an important one to South Africa, and above all to the Transvaal. If we are ever to build up a white South African nation with British ties and sympathies we cannot afford to handicap the immigrant by pitting him against the Asiatic Asiatic in such walks of life as he is able to fill. In this respect the Africander has my sympathy and support. But I feel that he could have attained his object by less harsh measures. The abrogation of existing rights, which as actually taken place, is contrary to the laws of any nation; it rouses a sense of grievance and ill will which are unpleasant features of any State. The operation of the amended immigration laws would have been sufficient to keep out undesirables, and the Indians claim with justice that they might be applied to white aliens, such as Poles, Jews, or the scum of Southern Europe, who are treated more leniently than the British Indian. Above all they plead, in virtue of the high civilisation of their upper classes, for a differential treatment of such of their race as

as come to South Africa as professional or independent men, and not as labourers or petty traders. The great difficulty of drawing the line is obvious, but as a matter of fact the number of immigrants who could claim this exemption is very small.

Concessions to the 'amour propre' of the British Indian would have reconciled him to economic restrictions, but the Afriander would not make them. Could or should Great Britain have forced the situation? The Indian deduction is: "Britain is afraid of her Colonists. We have the sympathy of her statesmen, but they are helpless before a handful of Afrianders. She is too cowardly to do us justice though she acknowledges our claim".

This not unnatural deduction needs some correction. Great Britain has recognised certain rights on the part of her white colonies. Moreover, she made peace with the Boers on terms which practically secured to the Transvaal and Orange River Colony a treatment closely allied to that granted to the self-governing colonies even while they were directly under the Crown. This being the case, she is, in reality, not free in her dealings, and is obliged to acquiesce in a policy which is shaped in Afriander moulds. To take a strong line against the wishes of the Afriander would have been entirely opposed to her established precedent in dealing with her colonies. She was obliged, in a matter which was so essentially domestic, to allow them a preponderating influence. There was no question of strong ministers. Lord Milner as High Commissioner and Mr. Chamberlain as Colonial Secretary were a strong combination as could be found. Both had recognised the Indian claims, yet in view of the agitation of a section of the Transvaal they were helpless. It seems a case of the tail wagging the dog. It is true that the well-known aim of Lord Milner, to introduce in a short time as strong an element of British as possible, may have influenced him; but there is evidence that he went as far as he could in pressing the Indian claims without actually enforcing legislation through the council, in the teeth of opposition by the means of the official vote - a course to which his own subordinates were opposed. There is only one explanation. It is quite impossible to impose legislation on a white community without its consent.

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If it is unreasonable, obstinate, and prejudiced nothing can be done. In the present instance the Transvaal lost the chance of obtaining a good supply of indentured labour from a source less open to objection and far less costly than China. The Indian Government in view of their attitude on the Indian grievance refused to permit the recruiting of indentured coolies. But the Transvaal is quite impenitent, and the Imperial Government is in fact, helpless, even though it believes Imperial interests to be at stake.

(From the Africander Land) 28

The head and front of the Indians' offending, as I have already said, is his power to undersell the white man. As a coolie (labourer) or servant he did not compete with the white man; but there are places in the social and economic fabric which had been earmarked by a certain class of Europeans, and among these is certainly that of retail trading. This question did not affect the Dutch, who have no desire to become traders, despising commercialism and who only want to buy as cheaply as possible. Hence the comparative ease with which the Indian trader dodged the legislation which, in accordance with Dutch prejudices, was aimed at him.

The introduction of the Imperial factor into Transvaal politics, and the raising in a new form of the race question, entirely altered the situation. The present predominance of the British industrialist has raised the economic question, while in the region of high politics a very serious problem has had to be faced. The British Africander and European newcomers view with hostility the Indian, who makes retail selling an impossible affair to the white man; while the British administrators, who see a good opening for British expansion (so necessary for the solution of many difficulties) in this commercial field, are torn two ways, by political expediency and a sense of justice.

This accounts for the apparent anomaly by which the Indians under British rule are on the whole worse off than they were under the Dutch, but it does not altogether explain the prejudice against them, nor the offensive terms in which it is expressed, nor does it elucidate the attitude of the Imperial authorities on this most Imperial matter.

The Indian is conscious (as are the Imperial authorities) of inherent qualities which raise him above the Kaffir with whom, in Africander opinion, he is classed. To those who knew India, with her ancient civilisations and high record of achievement, this need no insistence, but the average Africander is not so enlightened. As a rule he is provincial of the provincials, and the class which is most clamorous about the Indian corresponds to, and is fed by, that in Britain which is least imaginative and most dominated by the parish pump. Nevertheless the Africander is not to be

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condemned unheard. The Indians who come under his immediate observations are not, by any means, the pick of their country, and they are also undergoing a process of deterioration inseparable from their conditions of life as aliens. My own observation of Indians abroad is that this process is more rapid with them than with Chinese, though both owe it to their removal from the stimulating effect of public opinion which they understand and value, and from the restraints of family obligations. Then there is no doubt that their standard of living is extremely low, in itself a dangerous economic factor; and while the white man regards this as an advantage for unskilled labourers or coolies, and as likely to stimulate the Kaffir labour-market by competition, he cannot admit the same principles as regards his own occupations. Being unable to make nice distinctions between dark-skinned peoples all of whom he regards as subject races, the Africander has penetrated some of the ordinances which are most offensive to Indian feelings, without any ulterior design than to regulate the conduct of people whose civilisation is not, he believes, equal to his own. Being strongly protectionist, as are all young communities he is now bent on keeping trade in white hands at all costs. This is the Africander position in a nutshell.

But if European immigration was small, people of another race were beginning to make their appearance in Natal, people who were destined in later years to eject the white man from many occupations and to alter the whole condition of life in the colony. Owing to the precarious supply of rough field labour afforded by the Bantu, sugar, coffee, and cotton planting could not be carried on with any prospect of success, and as early as 1856 the legislative council approved of the introduction of coolies from Hindostan and requested the lieutenant-governor to make regulations regarding them. No one appears to have foreseen that these people would ever be anything but rough labourers, and no objection was therefore made to the measure. It was supposed indeed that they would be desirous of returning to India when their term of service had expired, so that their temporary presence could do no possible harm.

Indians therefore were brought over at the public expense in the first instance, the planters to whom they were allotted as labourers binding themselves to repay to the government within a stated time the cost of their passages. The men were to receive wages at the rate of 10 shillings a month for the first year of service, 11/- a month the second year, and 12/- a month the third year; they were to be comfortably lodged, to be provided with proper medical attention when ill, and to be supplied with rations consisting of a pound and a half (680.38 grammes) of rice or two pounds of stamped maize a day (907.18) grammes, beside two pounds of dhol, two pounds of salted fish, one pound of ghee or oil, and one pound of salt a month. Females and boys under ten years of age were to receive half rations, and were to be at liberty to make what terms they could with the employers of the heads of their families. Upon the expiration of their terms of service they were to be provided with free return passages to India. Cheaper labour than this could hardly have been desired.

Various enactments were made in the following years concerning the introduction of coolies. In 1859 a law was passed which prohibited labourers being brought from the East, except from British India, without a special licence from the lieutenant-governor.

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under a penalty of a fine of £50 or three months imprisonment and a person so attempted to be brought in were to be sent back at the cost of the owner, agent, or master of the ship. But beyond this no attempt was made to prevent Natal from becoming an Asiatic settlement.

All coolies introduced were required to be transferred by the master of the ship to an officer entitled the protector of the immigrants, whose duty it was to see that they were treated according to the regulations.

In 1864 the council resolved to raise a loan of £100,000 at six per cent interest per annum, for the purpose of introducing coolies. One third of the passage money was to be paid by the government. The term of assignment to planters was extended from three to five years, and the rate of wages was fixed at 14/- a month for the fourth year and 15/- a month for the fifth year.

Before the close of 1865 nearly six thousand coolies had been introduced, and as yet no evil effects were felt from their presence. The demand for European skilled labour had increased, as overseers, engineers, and mechanics were required on the plantations; and these Indians who preferred to remain in the colony after their expiration of their term of service, had accepted employment as domestics or labourers. Colonists who had experienced the want of reliable servants were therefore not only willing but anxious that more should be introduced, and that some of them should remain in Natal permanently.

This feeling gained ground in 1870, when a law was enacted that every coolie should be entitled to a free passage back to India after ten years residence in the colony, five years of which must have been passed as a contracted labourer, but if he did not care to return he could have crown land to the value of the passage. Most of the coast lands south of Durban were then occupied by Bantu, and the best of these north of the port were possessed by Europeans, or Natal might have become an Indian colony under the operation of this law.

The indenture Indians were followed by others of the trading class, who came from different parts of Southern Asia as free immigrants, and who could not then be excluded, although from the first it was recognised that they were a menace to the Europeans.

Gradually - almost imperceptibly - these people and the coolies, who had no interest in returning to Hindostan, but a very strong interest in remaining in the pleasant country that afforded them the means of obtaining a comfortable livelihood, got into their hands almost all the easy occupations that in the early days it was hoped that the white men would have secured. Europeans with the ordinary standard of living could not compete as petty traders, as market gardeners, or in light mechanical pursuits with men who could thrive with a fifth part of the same returns, and were thus compelled to abandon the field. The elimination of this class of person gave preponderance to those who benefited for the time being by coolie labour, and who were content to resign the hope that of Natal becoming a European settlement or the wish that she should advance in line with the other great communities in South Africa. The security of the colony was affected, for the Indians contribute nothing to its defence. It is thus in a land of planters using chiefly imported coloured labour, and of conveyancers of goods to and from the interior.

But few people at home realize what an alarming and ever-growing difficulty has to be faced in the African native problem. It is a difficulty that is unique in the progress of the world. In Australia, Tasmania, New Zealand (in a minor degree) and America the aborigine has faded out of existence before the irresistible and to them insufferable advance of the white man. But not so the African, who in this sense differs entirely from other savages. Under the beneficent rule of the white man, he thrives like weeds in a hot-house. Originally, the two great checks on population was smallpox and internecine strife. These have been minimized by the advent of the white rule, and the resulting rate of increase is one to stagger the statistician. The stately Maori, the wild Australian, the chivalrous Tasmanian, and the grim Redskin have given up the struggle, and are fast going the way of the mammoth and the dodo, but in white-teethed content the negro smiles and breeds apace, mildly contemptuous of the mad Englishman who does so much for him and expects so little in return. What is to be done with this ever-increasing mass of inertia? We have undertaken his education and advancement, as we have carefully explained by the mawkish euphisms in which we wrap our land-grabbing schemes. When we undertake the education of a child or beast we make them work, realizing that work is the sole road to advancement. But when we undertake the education of a negro, who, as I have endeavoured to show, is a blend of the two, we say, "Dear coloured-man, thou elect of Exeter-Hall, chosen of the negro-phil, bread-and-butter of the missionary, darling of the unthinking philanthropist, wilt thou deign to put thy hand to the plough, or dost prefer to tittle and smoke in undisturbed content? We, the white man, whom thy conscience wrongly judges to be thy superiors, will arrange thy affairs of state. Sleep on thou ebony idol of a jaded civilization, maybe anon thou wilt sing "Onward Christian Soldiers!"

A good sound system of compulsory labour would do more to raise the native in five years than all the millions which have been sunk in missionary efforts for the last fifty; but at the very sound of "compulsory labour" the whole of stay-at-home England steps its ears and yells "Slavery!" and not knowing what

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what "slavery" is, yells "slavery" again, nor ever looks at home? nor realizes that we are all slaves. Have we not the compulsory education, taxes, poor-rates, compulsory this, and compulsory that, with 'jail' as the alternative? Nor are we paid by the State for being educated. Then let the native be compelled to work so many months in the year at a fixed and reasonable rate, and call it compulsory education, as we call our weekly bonnet parades church. Under such a title, surely the most delicate British conscience may be at rest. Thereby the native will be morally and physically improved; he will acquire tastes and wants which will increase the trade of the country; he will learn to know the white man and his ways, and will, by providing a plentiful and cheap supply of labour, counterbalance the physical disadvantages under which the greater part of Africa labours, and thus ensure the future prosperity of the land, whereby, with the attendant security of tenure and of the rights of the individual, he will have that chance of progressive evolution which centuries of strife and bloodshed have denied him. Inducements might be offered to chiefs to make plantations of wheat, rice, coffee, and other suitable products, by exempting a number of their men, proportionate to the area cultivated, from the annual educational course.

This perpetual wail of "slavery" which, like the platitudes of the missionaries, is always raised to combat legitimate and reasonable discussion, is due to ignorance, to the inability to discriminate between the status of slavery and slave-raiding. Slave-raiding was a curse beyond belief, and is now, happily, to all intents a nightmare of the past, but the status of slavery is still widespread, and with many people is necessary and beneficent. The line between slavery and freedom is a very nice distinction. We can all be called upon to fight or to give up our goods for the common weal, or as we call it, for the cause of progress. Then why should not other peoples be called upon to work for the cause of progress? Throughout Africa the cry is "Give me labour". There is a sound maxim in the progress of the world; "What cannot be utilised must be eliminated". And drive as we will for a while, the time will come when the negro must bow to this as inevitable. Why because he is black and is supposed to possess

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a soul, we should consider him, on account of that combination, exempt, is difficult to understand, when a little firmness would transform him from a useless and dangerous brute into a source of benefit to the country and of satisfaction to himself.

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To summarize; the questions of paramount importance are:- 267

1. To make the Administration to sole labour agents.

By this means the supply of labour can be evenly distributed through the year, or according to the country's requirements. The rate of pay can be fixed and maintained at a rational level. Undesirable people can be prevented from obtaining labour, and thereby adversely influencing the native. The native is protected against the employer, and guaranteed proper treatment by knowing that he has a court of appeal where he can obtain information and air his grievances.

2. To rule through the chiefs, and refrain from injuring their prestige.

Centuries cannot give the white man the power over the individual native that the recognized chief holds without question. The substitution of one chief for another is no use unless the original chief is killed and his rightful heir instated. These matters are religion with natives. "Once a chief, always a chief, even when dead", is their belief. To get a grip on an important chief and yet leave him his power is a difficult matter; and as these preliminary questions will affect the whole future of the country, the first step in administration should be entrusted to real able men, and not, as too often happens, to any trader, hunter or out-of-job who happens to be in the neighbourhood and knows a little of the language. By leaving the chiefs their power, administration is greatly facilitated by the resulting concentration of responsibility. All the petty questions and difficulties (which are often such dangerous ground, until the local customs are fully understood) devolve on the chief, and if there is any serious trouble the responsibility can be instantly located.

The prestige of the chiefs should be maintained in every possible way, such as exempting them from hut-tax, allowing them a small armed escort, etc.

I realised the immense importance of this ruling through the chiefs when in the Chambesi district of Northern Rhodesia. Two chiefs of considerable influence, namely, Makasa and Changala, really administer the country under the direction of the collector. A criminal was wanted and Changala handed him over in thirty-six hours had he not done so all the police in the district might have hunted a year without success.

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3. More attention must be paid to maintaining the prestige of the white man.

This is of paramount importance. There is rather a tendency amongst the officials to lower the non-officials in the eyes of the natives. This is fatal. The prestige must be maintained at all costs, as it is the sole hold which we have over the native. The rabble that is inseparable from a mining community is a great difficulty. But still much harm is caused by the ignorance of the youthful officials who are in positions for which they are not well fitted.

4. Officials should be forced to acquire a knowledge of the language

The Germans set us a good example in their East Coast Protectorate, where a man must go through a preliminary course at the coast before being admitted to any position in the interior. I have seen much harm done by the employment of interpreters who are invariably bribed, and only say what they wish to be said. This destroys the confidence of the native. I have always remarked the eagerness with which the native appeals to the white man who can converse direct with him.

5. The constant moving of officials from place to place should be avoided.

The native requires a long time to learn to know a white man and to feel confidence in him. In many places a game of general post with the officials seems to be the chief occupation of the Administration.

6. The official should be enabled and encouraged to travel around his district.

This is the surest means of inviting confidence. At present most of the officials whom I met were tied to their stations by such statesmanlike duties as weighing out beads, measuring cloth, and copying out orders; all of which might be cheaply and effectually done by an Indian clerk. Travelling round and learning the natives is usually severely repressed at headquarters.

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Since publication, these few considerations of the native question has been subjected to various criticisms, ranging from "the piece of boyish impertinence" of our austere friend the 'Manchester Guardian' to the recommendation of Mr. E. F. Knight in the 'Morning Post': "it would be well if this last chapter were carefully read and digested by the ignorant sentimentalists, whose views if carried into effect in Central Africa, would ruin the prospects of the country and demoralise the natives themselves".

But the severe editorial dictum "we would have Mr. Grogan and others like him remember that it is not so many centuries since we ourselves were in much the same social conditions as the African today", is the most plausible answer to my pessimism. Plausible as this article appears, however, a moment's reflection will show that it is based on false premises, it presupposes like conditions. It overlooks the fact that the environments of the primitive Briton and of the African constitute the poles of terrestrial existence. As for us, we are primitive folks living in a rigorous climate.

Among our woad-smearing forebears, hunting hippopotamus in the Phases, there was no place for the weakling or the man of indolent mind. Fierce and unceasing was the fight for life. Hence the Eastern wave of progress poured into receptive minds. Each slight improvement, which momentarily relaxed the strain, was received without hesitation. Interminable ages of cold, hunger, and savage strife had left us primed for the spark.

But with the negro how different!

The erstwhile more vigorous character, which led them down from the far North, has been sapped by long centuries of enervating heat. At the mere scratch of a hoe the earth yields biennially her hundredfold. Forest, lake, and plain throb with myriad forms of life. Effort and its resultant accumulation of wealth does but breed jealousy and strife. "Then why toil?" says the negro; "does not the sun shine? The corn leaps to its kiss. The green of the bananas fades to gold. In each pool the writhing swarms of fish await the spear. Work! Ah! you white men! you are mad for work! You are like the elephant, who pulls down a huge tree to pick the little plum on top, while a thousand sweeter plums lie on the ground."

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for work. You are like the elephant, who pulls down a huge tree to pick the little plum on top, while a thousand sweeter plums lie on the ground."

When we go among them, still further diminish this need for effort by relieving them from the few anxieties which are theirs. We free them from all fear of attack, and we give them guns instead of spears.

Ages of this easeful life have wiped out all trace of initiative or enterprise from their character.

Does our contact with them provide other incentives to regain what they have lost? emphatically no.

Short of compulsion, direct or indirect, the main mass of Africa's inhabitants will never take part in the development of their country. We can never develop their country without their co-operation, because where negroes are, white men will not do manual work. And the negroes will not disappear as have the savages of other lands.

When I left Africa I was convinced of this, but to make absolutely sure I visited the Southern States of North America and Brazil. I now write after seeing the negro, when he has lived for two centuries in the white man's land, where the white man outnumbered him by 8 to 1. Nor did I fail to make a special study of the life, work and aims of the negro Gladstone, Mr. Booker Washington, the world-famed principal of Tuskegee,

This then is the question we must ask ourselves. Why are we in Africa? Is our mission merely to be policeman over indolent herds, or do we assume the brain-work of a great, a stupendous task, nothing less than the development of Africa by the forced co-operation of white and black?

There is no other alternative short of the old American method, the obliteration of irreconcilable Indians by the effective means of gin and guns.

Let my Radical critics not misunderstand me on my feelings ~~xxx~~ towards the negro. There are two distinct stand-points from which I view the African.

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As a spectator and student of social evolution, I see a people infinitely more wise, infinitely more decent, infinitely more sane than we. The absolute logic of their life bewilders our distorted minds. We can never learn to understand them. They soon see through us. We think them fools. They think us mad; and there is little question who is nearer the mark. They are happy. They want nothing. No man grows fat while his brother starves. In absolute content they doze along their dreamy path of life.

In this light I love them and weep to think that we, the strenuous, the snob-ridden, the crude dress-hunting victims of a hideous mesh of blatant greed and misery meek, have ever crossed their path.

The other point of view is that of a man in their midst with work to do. We are dependent upon their aid. To assist us they must be moulded to our ways. But they do not want to be, and yet they must. Either we give up the country commercially or we must make them work; and mere abuse of those who point out this impasse can never change the fact. We must decide and soon. Or rather the white men of South Africa will decide. May History (the philosophy, which teaches by example) teach us at last to be discreet. I have seen too much of the world to have any lingering beliefs that Western civilization benefits native races. Socially, physically and morally its advent is their death-knell. Still we have taken up the task. Let us see with open eyes the issues which that task entails. For sure as the tide, comes the moment when there is no longer room for both peoples to live their own individual lives; at that moment one must bow or leave the path.

I have small sympathy with the capitalist régime, and am convinced that the immediate future of South Africa is already nipped by the frost of land monopoly. But it is the régime that we live in as yet, and till it top-heavy crumbles to the ground the native too must fall in line. We have stolen his land. Now we must steal his limbs. The setting apart of the native reserves does but defer the issue. In time the white man will have all. It is happening in New Zealand; it is happening in the United States; it will happen in Africa none the less.

Where the African other than he is, a form of state socialism similar to the old-time Jesuit missions in Paraguay might meet the case. But the African wants even less than the Indian in Paraguay. Lack of incentive therefore precludes any voluntary development from the existing communism into progressive state socialism in which he (the negro) would reap the fruits.

There remains a possible alternative. It is the organisation of African society on the lines of the Incas of Peru: that is, the division of society into two strata, of which the lower does the menial work and draws sufficient of the proceeds to meet all simple wants, while the upper organizes, directs and takes all the surplus produce.

This in effect would be the situation on Africa if the Government assumed the sole agency of labour.

There is in reality nothing revolutionary in this. It is but anticipation the inevitable time when the majority of the African natives will be forced by destitution to work or subjected to the "slavery" of the workhouse and of the prison when convicted of the heinous offence of "sleeping out".

Compulsory labour in some form is the corollary of our occupation of the country, and the sooner we grasp this essential fact the better chance there will be that South Africa will settle down contented under the shadow of the flag.

It is pathetic, but it is History. The immediate cause can be explained by simple measurements of skulls. The primary cause lies hid in those great words of Rhodes: "Tread me down! Pass on! I have done my work."

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Rt. Honble Mr. Srinavasa Sastri

To

GENERAL THE RIGHT HONOURABLE

J. B. M. HERTZOG

Prime Minister, Union of South Africa.

and

Members attending the Round Table Conference at

Cape Town.

STATEMENT SUBMITTED BY

THE NATAL COLONIAL BORN INDIAN ASSOCIATION,

D U R B A N.

P. O. Box 583,
D U R B A N.

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The Rt.Honourable, the Prime Minister,
Union of South Africa,
and Members attending the Round Table Conference
at Capetown.

Gentlemen :

We, the undersigned, representing the Natal Born Indians, as reflected throughout the activities of the Natal Colonial Born Indian Association, take the opportunity to present the following statement of facts relative to the rights and interests of our constituents and venture to submit that during the present negotiations for a settlement of the Indian Question, we desire to impress on the Union Cabinet and the Indian Government Delegation for the due performance of their duty for the recognition of our claims to be treated as South Africans by virtue of our birthright, and also in consideration of the legal and moral obligations entailed on the Union Government for recognition of our right accruing from the services rendered to Natal in its development from a primeval forest into a modern civilised Province within a period of 66 years.

The Association we have the honour to represent, consists mostly of the descendants of the indentured immigrants who were induced to immigrate to Natal for the express purpose of development, and for colonisation at a time when this Colony was in a hopelessly sterile and bankrupt condition. We cannot better describe the then condition of Natal, than in the language of the Durban Corporation who, in an address presented to the then Governor, Sir George Grey, depicted the condition of the country in the following words :-

"Independently of measures for developing the labour of our own Natives, we believe your Excellency will find occasion to sanction the introduction of a limited number of coolies or other labourers from the East, in aid of the new enterprises/..

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enterprises on the coast lands, to the success of which sufficient and reliable labour is essential; for, the fact cannot be too strongly borne in mind that on the success or failure of these rising enterprises, depend the advancement of the Colony or its certain and rapid decline. Experimental cultivation has abundantly demonstrated that the issue depends solely on a constant supply of labour".

It would be obvious, the predicament in which the Europeans were in 1858, when at the persistent request of the white people of Natal, Indian Immigrants were invited to immigrate here on a term of contract and subsequently under indenture with additional inducements for them and their descendants to settle in Natal. In those days, in addition to offering free gifts of land, educational facilities were promised to the descendants of the Indian Immigrants. It is under such auspices that the Indians were enticed away from their Motherland for the benefit of the white Settlers, and therefore it should be manifest that the claims of the Colonial Born Indians for their heritage in this country, could not be slightly brushed aside, even on the ground of race supremacy and political expediency.

Although Indians were introduced into this country by tempting offers originally, yet, the terms of contract were subjected to considerable modifications from time to time, involving a slow process of filching away the rights of the Indian Immigrants. This system of deprivation of the rights of the Indians gained great impetus proportionate to the progress which the Europeans and Natal in general attained materially. In a word,
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as the Europeans grew wealthier, and extended their activities, that was made a pretext for depriving the Indian of all opportunities opened to the latter in the economic and political sphere of activity, and thus lower his status and render him an impotent factor in the body politic.

Quite apart from the evils of the indenture system, the tendency of Natal under the Crown Colony and Responsible Government regime was far from satisfactory in their treatment of Indian subjects, more than one Viceroy, Colonial and Indian Secretary has advised Natalians to be of good behaviour. Lord Rippon when Governor General of India in one of his despatches, after protesting against the treatment meted out to Indians, demanded "absolute equality for the Queen's Indian subjects" as the only wise course for adjusting existing differences.

Lord Morley, addressing the Natal Ministers in 1897, pointed out the unreasoning attitude of the whites, and therefore asked that his Government "was entitled to demand fair and equitable treatment involving the complete equality before the Law for those Indians who had already been allowed to settle in Natal".

It would indeed be evident from the expression of opinion by these responsible Ministers of the Crown, that the deplorable treatment meted out to the Indian settlers has been a subject of grave anxiety, and that leading statesmen from Lord Morley downwards have freely expressed, that anything short of absolute equality will not solve the problem at all. Despite the protestations

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of Ministers from Downing Street, the outlook against the Indian Community did not improve, and on the eve of the inception of the Union of South Africa, in response to a grand remonstrance addressed to the Imperial Government, Lord Crewe, in a despatch dated the 7th day of October 1910, made earnest representation to the first Prime Minister of the Union in the following language :-

"In the opinion of His Majesty's Government, it may be anticipated that the New Government and Parliament would review the whole position in a broader and more generous spirit. I trust, that in dealing with the position in Natal, your Ministers will recognise the great services of the Indian population in developing that Province, not only by remedying specific grievances so far as possible, but also by exerting the whole power and influence of the Union Government to secure considerate treatment of them".

General Botha, the Prime Minister, replying to the foregoing communication in his minute dated 20th December 1910, notified the Imperial Government the policy governing the Union in respect of the Indian Question in the following language :-

"Ministers are anxious, as far as possible, to meet the view of His Majesty's Government, and have only waited for a suitable opportunity to introduce the necessary legislation. Such an opportunity has now presented itself in the opening of the first Union Parliament, and Ministers intend to introduce amending legislation framed so as to remove as far as possible the grievances which have been urged by the Indians. In conclusion

Ministers/...

Ministers venture to express the hope that the solution of the difficulties which have surrounded the residence of free Indians in South Africa, which has now been suggested by His Majesty's Government and agreed to by Ministers will be accepted as final by all parties concerned and will not, as has so often happened with this vexed Indian Question in the past, become a fresh starting point for new demands in the future?.

It would be obvious from the foregoing Ministerial pronouncement that with the acceptance of the policy of restricted Immigration from India, a finality was to be reached on the Indian Question, and according to General Smuts' assurance at the Imperial Conference, "the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles" but a finality was not intended to be reached by the Ministers as subsequent events have abundantly proved; and that the acceptance of the virtually "closed door" policy has been made the starting point for further demands for retrenchment of our rights and for the adoption of a "squeezing out" policy.

Since that time up to the present day, a series of legislation, quite contrary to General Botha's and General Smuts' pronouncements have been passed, having for its object, the deprivation of long enjoyed rights in certain instances, and imposition of fresh disabilities in political, industrial, economical and other spheres of legitimate activity.

Indeed, the cumulative effect of all these legislations is having ruinous consequences on the very existence/...

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existence of the Indian Community, driving them to exasperation.

Quite apart from the vagaries of the Legislature, the Bogey of "Asiatic Menace", "Economic Menace", is proving a graver danger to our existence than political oppression arising from enactments of Parliament, and seeing that the present day outcry again is based on economic grounds supported by all forces of the Union Government, we venture to submit that it is difficult to understand the modern conception of the States' duty towards its subjects with the Government's activities in matters economic.

We venture to submit that the preponderating majority of the Colonial Born Indians are sufficiently educated for the needs of the Country, by having adopted the Western standard of life and having all their interests centred in this Union. We are quite prepared to shoulder the responsibility of the State in the progress and defence of the country, and we would call attention to the Volunteer Law of 1875 (Natal), wherein provision is made for Indians to share in the military defence of Natal.

Since the Industrial Conciliation Act came into operation, a large number of workers pursuing skilled, semi-skilled and un-skilled trades and occupations have been thrown out of work by circuitous manipulations of the Act with the ultimate object of rendering our people destitute in the land of their birth. Indeed it must be transparent that the alleged "economic menace" and the so-called "unfair competition" of the Indian is a myth, nay, it is a mere pretence to harass and/...

and humiliate the Indian, wherever it is possible so to do. As a result of this out and out racial propaganda, a very large number of the Colonial Born Indians bereft of their legitimate means of livelihood, most of them being working class people, such as artisans, etc., are now face to face with impending ruin and starvation.

We venture to urge, that South African statesmen have consistently departed from their pledged word as could be evidenced from the foregoing minutes of General Botha, and declarations of General Smuts, it is indeed necessary on the part of the Union Government and that of India, to take some action in order to vindicate the undoubted rights of the Colonial Born Indians who are to exist in this country as citizens. As our fore-fathers came to this country placing implicit confidence in the protecting arm of the Imperial, Indian and Natal Governments, we submit we are entitled to ask them now to exercise all in their power in obtaining for us the rights which we claim by virtue of our birth in the Union, and to restore to us those rights and privileges which were ours in the past.

In conclusion, we seize this opportunity to further urge that the considered view of educated public opinion as reflected through the views herein expressed, be taken into account and hope that in any agreement arrived at by this Conference, protection will be afforded us of Franchise rights, and failing which

we/...

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we strongly emphasise the danger threatening our very existence in this land, in view of the fact that we are voiceless and unrepresented in Parliament.

We do sincerely and most humbly express with due respect to both Governments, and prayerfully ask, that they will in the exercise of their negotiations uphold all legitimate rights due to us, and that it will be made possible for us to exist in this Union as self-respecting and useful citizens.

We are, Gentleman,

Your obedient Servants




President



Vice-President



Chairman
Provincial Executive
Council.



Hon. Secretary.

P.O. Box 583,
DURBAN, NATAL.

Memoranda submitted from East Griqualand.

The Asiatic Inquiry Commission in their Report published in 1921, refer to the Transkeian Territories thus: By Proclamation 264 of 1904 it is not lawful for any Arab, Indian or other Asiatics, of whatsoever nationality, to enter any of the Transkeian Territories without a special permit signed by a Resident Magistrate and approved by the Chief Magistrate of the Native Territories.....No evidence was received relating to these Territories, and we do not recommend any alteration of the provisions contained in the above Proclamation."

It is very much to be regretted that no evidence was tendered then. Perhaps that may have been due to the fact that up till very lately the settlers there had felt very secure.

The Indian settlement in the Territories is very old. At the present time the Indian population of the Territories is not more than 27 in all. Some years ago there were three Indian stores, but the one at Bizana has been closed and to-day there are only two, one at Umzimkulu and the other at Kokstad respectively.

Mr Dawood Amod, who owns the store at Umzimkulu is a very old settler and has been settled in Umzimkulu for over 35 years, and he owns there considerable properties. He may well be called one of the pioneers who have helped to build the village of Umzimkulu to what it is to-day.

Mr. M.A. Goga owns the other store at Kokstad where he has been settled for a long number of years. Among the other Indian colonists Mr. John Gabagase married a coloured woman and has children by her, all living at Matatittle, the other Indian Mr. Abdul Gani Adam lives at Umzimkulu first in 1897 and has been there since. Mr. Dindar, who lives at Kokstad, is also married to a coloured woman and has children by her.

LICENCES. The issue of Licences in the Territories is governed by Regulations published in Proclamation 112 of 1879. Licences are issued by Wouncils, wherever they exist, or by the Resident Magistrate, but in all cases they must be approved by the Chief Magistrate...

Magistrate at Umtata. But in any case the position of a license is very precarious. For instance section 55 of the Regulations authorizes the moving of the holder from one place to another if the Chief Magistrate thinks necessary. Again section 56 provides that the Chief Magistrate shall be at liberty, if he shall consider necessary so to do, to refuse to issue any such licence on the original application, or to refuse to issue fresh licences on the expiration of any preceding licences. Section 57 provides for the ejection and removal of such person, whose renewal of licence is refused, within three months without any claim for compensation or loss.

Three years ago Mr. Dindar had applied for a licence in his wife's name, but this was refused by the Town Council of Kokstad, on the ground that it was not desirable to have any more Indian Stores there. They further remarked that if the licence was granted then every Indian would marry a coloured woman and get a licence in her name.

IMMIGRATION. As stated above Indians cannot enter East Griqualand and the Transkeian Territories. Some years ago Mr. Gasim Angalia had asked for permission to take his wife to Bizana but this was refused. Since then very novel and very unjust use has been made of the Proclamation No. 264 of 1904. Consistently from that time the Chief Magistrate has refused permission to the wives of the Indians to go and live with their husbands in the Territories. The idea of the authorities in thus acting appears to either exterminate the Indians there, or otherwise compel them to leave the Territories or get them assimilated with the natives and the Coloured. There have been several cases in recent years. 1. The case of Mohamed Adam. He is the son of Abdul Gani Adam. He married in 1922 in Durban and sought permission from the Resident Magistrate to take his wife to Umsinkulu. This was refused. Representations were made to the Chief Magistrate at Umtata but without avail. The signer then addressed a letter to General Smuts, the then Prime Minister and Minister for Native Affairs, drawing his attention to the case and...

and the flagrant disregard and violation of the memorable Agreement of July 8th 1914. In his letter No.P.M.38/4 dated Cape Town the 12th May 1923 the Secretary to the Prime Minister informed that "the Prime Minister has acquainted himself with the details of the case and he can see no reason to disturb the decision of the Chief Magistrate". A letter was also addressed to the then Minister of Interior on the 18th March 1924 to which he replied on the 4th April 1924 thus: "the question of the admission of Indians into the Transkeien Territories is a matter which is wholly within the discretion of the Chief Magistrate of the Transkei, and he is not prepared to interfere in the cases which you sanction".

In spite of this Mrs Adam came to Umzimkulu, and she was arrested, convicted, sentenced and deported. This case ended there.

The Goga Case. This case has been reported in the papers. It was proved that Mrs Goga had lived in East Griqualand before the promulgation of the Proclamation prohibiting the entry of Indians and Asiatics into East Griqualand except by a special permit signed the Resident Magistrate and approved by the Chief Magistrate. She married in 1915 Mr. Abdulla Goga, an Indian born in the Union and her husband was given permission to reside at Kokstad in 1922, where his father has got a store. The husband sought permission for the wife and his children to reside with him, which was refused. And to test the validity of otherwise of the Proclamation Mrs Goga boldly entered East Griqualand, but she was charged for entering without the special permit and convicted and sentenced. An appeal was made against the conviction, and the Eastern Local Division of the Supreme Court at Grahamstown has dismissed the appeal and upheld the conviction. In the course of their judgment, their Lordships said, "although in 1922 her husband was given permission to enter East Griqualand it is clear that similar permission was not expressly obtained for her entry, and her only claim to enter, apart from a permit, obtained, must depend upon the contention that by the entry of her husband and his residence at...

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M.H./KS.

21st December 1926.

Rev. C.E. Andrews,

7, Buitensingel,

CAPE TOWN.

Dear Sir,

When a statement was submitted to the South African Indian Congress on behalf of Transvaal, a very important case was submitted, as the parties did not then come forward. The position of the case is as follows:-

There is a certain Indian by name of Ghulam Nabee Mocojee Moola, who comes from Kholvad District Surat, Bombay Presidency India, he being the holder of a registration certificate of the Transvaal Province, carrying on business at 42, Market St. Krugersdorp. He was married according to Mahomedan Law, and a daughter was born to his wife in 1914, the daughter's name being Fatima. In 1916 he divorced his wife, i.e. Fatima's Mother, but has married someone else since then. This girl was being looked after by Ghulam Nabee's Father in India who died. There was no near relative with whom the girl could stay, and before the D.I. 91 form was actually issued and sent out to India the girl was on board the ship on her way to South Africa. On landing at Delagoa Bay, Ghulam Nabee went to the Immigration Officer to make arrangements to get his daughter here, a bail of 250. G. O. was asked for by the Immigration Officer, which was paid, and a temporary permit was issued for her to enter the Province of Transvaal. She eventually did come (in 1924) to stay with her Father, in the meantime this matter was referred to the Board and the Board decided against the girl, in view of the fact that Ghulam Nabee has married again to an Indian girl who was born in Heidelberg Transvaal, and has two children from her now. I enclose herewith a letter from the Secretary from the Minister of the Interior who explained the legal position of the girl Fatima. Ghulam Nabee in the meantime referred this matter to the Transvaal British Indian Association/

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Association, who made representations on his behalf to the P.I.O Pretoria, who once remarked to Ghulam Nabee that the value of the Transvaal British Indian Association to him was not worth tuppence. Eventually the Association was not able to do anything very much, and the P.I.O of Pretoria having refused to extend any further time confiscated the deposit of £50. lodged. A further amount of £50. was asked and which was actually paid on the 10th May 1926 and a time was extended up to May 1927, after which period the girl shall have to leave her father and go and reside anywhere out of the Union. The girl is now about twelve years of age, and the P.I.O has even suggested that she should marry someone. It is as a matter of fact impossible to carry out his suggestion as the girl is too young, she will be eventually married when the time for her marriage would come. Under the circumstances I suggest that you kindly take this matter up as it is a deserving case, and see if anything could be done in this matter. You may refer this case if you think it worth while to the Members of the Indian Delegation. The Attorneys who acted for Ghulam Nabee in Pretoria when the case was before the Appeal Board, were De Beer & Leibson of 240, Pretorius Street, Pretoria.

Mr. Narsoo knows this case fully well and he should be able to throw some light upon it. Fatima the daughter of Ghulam Nabee was born in India, the second wife of Ghulam Nabee who is at present with him, was born in Heidelberg, and is in her own rights entitled to be here with Ghulam Nabee.

I may tell you that Ghulam Nabee is by no means a wealthy man who could afford the luxury of Supreme Court Cases, and is unable to send his daughter away, in view of the fact that there is no one to look after her in India. I shall be grateful to you if you will kindly do your best in this matter in securing permission for Fatima to stay over here, and eventually when she becomes of age she will be married to a person approved of by Ghulam Nabee.

Kindly give this matter your attention and let me know by return as to your decision.

Yours faithfully,

(Sgd.) I. I. HAZAREE.

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COPY.

Department of The Interior

Union Buildings 4/A/3974.

Pretoria.

14th Jan. 1926.

Sir,

I have to refer to your letter of the 2nd ultimo addressed to the Principal Immigration Officer Pretoria on the subject of Fatima the daughter of Ghulam Nabee Moola. The girl was declared prohibited immigrant and appealed in April 1925. The grounds of prohibition were that her father had a second wife in the Union by whom he had offspring and that in terms of Section 5 (g) of Act 22 of 1913 the child Fatima would not be admitted and was therefore declared a prohibited immigrant in terms of Section 4 (1) (a) and (b) of that Act. The appeal was dismissed and the father called upon to remove her from the Union. He petitioned the Minister to allow her to remain, but the petition was not granted; a concession however being given to the extent of permitting Fatima to remain for a period of six months to allow her father making suitable arrangements for her return to India.

Ghulam Nabee has failed to carry out the terms of the Temporary permit issued to allow of his daughter's residence here, that is, she is still here and apparently no attempt has been made to send her away. Failure on the part of individuals in such cases can only result in permits being granted more sparingly in cases similar to this, and I shall be glad if your Association will endeavour to arrange for the girl to leave.

This department does not wish undue hardships to accrue to any person whose circumstances are such that he or she is compelled to leave the Union, and for this reason Ghulam Nabee was allowed six months grace in which to arrange his daughter's passage to India, but if such concessions are abused, the direct result can only be that they will not be granted in future.

I have the honour to be,

Sir,

Secretary,
The Transvaal British
Indian Association,
P.O.Box 6533.

Your obedient Servant
(Sgt) H. Venn,

Secretary for the Interior.

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On these facts the question of law reserved by the Board of its own motion for the decision of this Court are as follows:-

1. Are the Appellants entitled by virtue of paragraph (E) of section five of Act 23 of 1913 to enter and reside in the Province of Natal, in view of the proviso at the end of the section.
2. Are Appellants entitled by virtue of paragraph (G) of the said section five to enter and reside in the Province in view of the terms of the same proviso.
3. Did Natal Act No. 30 of 1903 as Amended by Act 3 of 1903 confer any rights upon appellants which Act No. 23 of 1913 cannot take away.

In connection with the last question it will be convenient now to mention that these two Natal Acts were repealed as from the 1st August 1913 by Act 22 of 1913 subject of course to the provision of section 13 (2) (9) of the Interpretation Act, (No. 8 of 1910) as to the repeal of a law not affecting rights or privileges acquired or accrued under the repealed laws.

It may first be stated that every Asiatic person under the Ministers Order of the 1st August 1913, been deemed to be unsuited on economic grounds to the requirements of every Province in which he is not under the terms of any statute of such Province entitled to reside. The effects of that order is to make a person who falls within its terms a prohibited immigrant in the Province in question owing to the provisions of paragraph (a) of section four of Act 23 of 1913.

Each of the Appellants is therefore prima facie a prohibited immigrant in Natal unless he is under terms of some statute of Natal entitled to reside in Natal. It will be convenient however, to leave the question of whether either is entitled to reside in Natal until certain provisions of section five of the Act have been discussed.

It is admitted that, apart from the proviso at the end of that section, both Appellants fall under paragraph (E) and (G) for each was born before the commencement of the Act, in a part of South Africa included in the Union, of parents who

/were/

were lawfully resident therein and not restricted to temporary or conditional residence and each Appellant has been proved to the satisfaction of immigration officer to be the child under sixteen, of a person who is exempted under paragraph (f) of section five.

The first question however for decision is whether notwithstanding that each appellant, though an Asiatic is thus exempted from being classed as a prohibited immigrant, he has by the proviso been taken out of the exemptions of paragraphs (E) and (g). The proviso reads as follows:- "provided that nothing in this section contained shall be construed as entitling a person to whom the provisions of subsection (1) (a) of the last proceeding section apply to enter and reside in a Province in which he has not previously been lawfully resident."

This proviso brings us back to section four (a) and to the Minister's Order. Does either Appellant fall under paragraph (b) of that order? The expression used therein "under the terms of any statute of such province" must I think, mean a statute which is still on the statute book not a repealed statute. presumably therefore, the Minister had in his mind certain statutes still in existence on the 1st August 1913 such as Transvaal Asiatic Registration laws and the Natal laws relating to Indentured Indians, and could not mean statutes which had been just repealed by the Act under which he made the order for such would not be a statute. The Appellants therefore fell within Paragraph (b) of the Minister's Order as regards entry into Natal unless anything in the new Act entitles them to reside in Natal. Then if the proviso of section five is left out of consideration each Appellant would be exempt from being classed as a prohibited immigrant in Natal owing to the provisions of paragraph (E) and (g) of section five. But those paragraphs will not avail them if they come within the proviso. Have they previously been lawfully resident in Natal? It has just been shown that neither is entitled to reside under terms of any statute. It seems to me therefore that notwithstanding each

has been in Natal in October 1915 and May 1919 respectively for temporary purposes apart from their parents, it has been shown that neither has previously been lawfully resident in Natal. The burden of proving that a person has not entered or remained in any Province in contravention of the Act is by section 23 (1) placed on such persons. The matter however did not end there because each may have acquired rights of residence under the previous law which the Act of 1913 does not take away. It is necessary therefore to examine the Act of 1903 as amended by the Act 1906, Acts which were in force when each child was born.

Section four (g) of Act 30 of 1903 provides that that Act shall not apply to any child, appearing to the Immigration Officer to be under sixteen, of a person who is not a prohibited immigrant. We have seen that neither the Father or the Mother of the Appellants is a prohibited immigrant. But that paragraph (g), even as originally framed, will not help the Appellants unless they have appeared to the Immigration Officer to be under 16; and there is nothing to show that either ever appeared before any Immigration Officer while the Act 1903 was in force. That such an appearance was necessary is made clearer by Section Three of Act 3 of 1906 which provided that a person seeking to take advantage of section (g) of the Act 1903 must satisfy the Immigration Officer or the proper Officer that the child of a person who is not a prohibited immigrant and who is at the time resident in Natal. It is certain from the facts I have stated that neither appellant could have passed that test especially as the Father and Mother of the Appellants had ceased to reside in Natal when the Act of 1906 was passed; and did not return to residence there while it was in force. It seems therefore that neither Appellants could have acquired any rights under the Act 1903 and 1906, and as they did not acquire them when the Acts were in force and the legislature has by repealing those Acts now destroyed the machinery under which they could acquire such rights, the Appellants cannot be said to have any rights acquired under the repealed laws which would

be/

be saved by section 13 (2) (c) of the Interpretation Act No. 3 of 1910 (See also Mahomed & Union Government 1911 A.D.) They cannot therefore under Acts of 1903 and 1906 have previously been lawfully resident in Natal so as to take them out of the proviso to section 5 of Act 22 of 1913, even if one gives the widest interpretation to the expression "lawfully resident" and the Appellants certainly cannot have been lawfully resident in Natal since Act 22 of 1913 came into operation.

For all reasons I am of opinion that all three questions of law submitted by the Board must be answered in the negative.

.....

VENTERSDORP.

Syed Goolab, 7, Carmichael Street, Ventersdorp: Renewal refused, but has been granted to a Jew at the same premises.

Messrs Valli Essop, S.M. Pahyat: New licenses refused Melville District, Ventersdorp; for Europeans granted.

M.H. Gona,
New license refused, but for Europeans granted.

Essop Mohamed, 108, Carmichael Street: New license refused.

Out of 14 Indian licenses in Ventersdorp 8 granted.
All European applications have been granted.

ERMELLO.

Out of 196 Licenses issued, only 28 licenses have been issued to Indians. In certain villages in the district of Ermelo such as Lake Chrissie, Breyton, Danel and Morgenzon Indians are entirely barred to trade.
Tinal, Joubert Street, Ermelo, was refused, but has been granted to a Jew named Jalab.

POTCHERSTROOM.

1902 - 1920. Indians held about 45 licenses, but since the new Ordinance has come into force there has been only 23 licenses issued to Indians. Not a single new license has been issued to Indians, but to Europeans both renewal and new applications have been granted. H. Beloomal who carried on a business for about 20 years has now been refused a license.

LICHTENBURG.

C. Dawood of Lichtenburg: New license refused, but other new licenses, totalling about 60 have been granted to Europeans.

BETHAL.

Kola & Co: New license refused.

BALFOUR.

7 Europeans and 7 Indians applied for G.D. Licences. 7 European licenses were granted, but the whole of the 7 Indian licenses were refused. The matter was taken to the Supreme Court. Order was made to reconsider the Indian application out of which 7 has been issued, 2 refused. £580 were the costs involved between party and parties.

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RE THE GRIEVANCES AND PROTEST ON GENERAL DEALER
ORDINANCE 1925-26 From
THE VENTERSDORP INDIAN COMMUNITY, Box 55, Ventersdorp.

To Secretary,
of the British Indian Association,
Commissioner Street,
JOHANNESBURG.

re GENERAL DEALERS' LICENSES.

We, the undersigned beg to inform you for your kind consideration in order to put the matter concerned before the Honourable Indian Deputation, which is to arrive here to attend the Round Table Conference on the 20th instant.

That I, the undersigned was carrying on General Dealer's business in 1924, and when the General Dealer's Business in 1924, and when the General Dealer Ordinance of 1925 came into force I had to apply accordingly, and applied, but the licence was refused purely on the ground that the business premises is not fit for the General Dealer's Trade. So, in order to make living and to dispose the goods in trade in order to meet the creditors only, I again made the application, for General Dealer Licence on a well built and a fit building, which was passed as well built, and good business premises by the Municipal Doctor in charge, but same premises which anybody can say, except the Councillors in charge of Granting Licenses that it is a well built and fit business premises, was also refused stating the reason that the business premises is not fit and further the neighbours are unwilling to have the General Dealer's business in that premises. Although to my best knowledge I can assure you that not any of my neighbours gave the evidence against me, on the contrary all my neighbours were in favour of having the business opened by me in that premises.

And further to my greatest surprise I can say that to-day the General Dealer's business is carried on by a Jew in the same premises, without having made any alteration to the premises on which I had applied and the Councillors refused my licence stating the business premises is not fit for General Dealers Trade

And so it is proved that the same premises, on which my licence was refused, is a fit business premises, when a Jew is carrying General Dealers Trade.

(Sgd.) Sayed Boolab.

I, the undersigned applied for a General Dealer's Licence on 7th May 1926 for the Erf 98 Melville Dist. Ventersdorp, to the rural Licencing Board, but my application was refused, without giving any reason whatsoever, although all the other applications made by white people were passed and licences were granted to them.

(Sgd.) P.P.Valli Kassop S.M.Bhayat.

I, the undersigned, applied for a General Dealer's Licence on 7th April 1926 for the Erf 98A Melville Dist. Ventersdorp, to the rural Licencing Board, but my application was refused, without giving any reason whatsoever, although all the other applications made by Europeans were passed and licences were granted to them.

(Sgd.) M.E.Gora.

Such being the case it is quite evident that the General Dealer's Ordinance of 1925-26 is without doubt aimed totally at the Indian Community, with a view to lessen as many licenses as possible possessed by Indians for years since.

So far we know we beg to inform you that not one application is refused made by Europeans and as there are 5 or 7 Indian licences holders in Ventersdorp, and if the Licences are refused, wholesalaly as they are being refused now without any sound reason we fear to a greater extent that there will not be a single Indian Store in Ventersdorp, within two years time, and if the Ordinance is to stay in force as it, we have to fear in every respect, that to take risk in buying goods for trade, is equivalent to run the risk of being insolvent, as nobody knows whether the his License will be granted next year, and likely we have no other go but to struggle hard for a piece of bread in the near future, or else go to India having no other source to earn, and also taking into consideration all the above grievances.

In the end, we are solely and purely protesting against the whole General Dealer's Ordinance 1925-26, as it has been proved that the Ordinance is drafted solely to lessen wholesalaly the General Dealer's Licenses held by Indians for years since.

Yours faithfully,

(Sgd.) The Ventersdorp Indian Community

Chairman M.I.Rajah

Secretary S.M. Bhayat

P.S. We also draw your kind attention that there were 14 Indian Licences in Ventersdorp before the passing of the General Dealer's Ordinance out of which only eight Licences are granted and others refused, while not a single European Licence was refused in Ventersdorp. A certain Indian named Dajee Jeram in Ventersdorp had two General Dealer's Licences before this Ordinance came in operation and the Ventersdorp Council only granted his own Licence and the other was refused without any reason.

(Signed) S.M.Bhayat.

Copy of a resolution adopted by the Village Council of
Ventersdorp at a meeting held on the 29th January, 1926.

**SAYED GOOLAB - APPLICATION FOR CERTIFICATE FOR RENEWAL OF
LICENCE Erf. 7, CARMICHAEL STREET, VENTERSDORP.**

Report of Committee read as follows:

Since the last meeting of the Council we have considered
application for certificates from the following:

(14) Sayed Goolab - Erf. 7, Carmichael Street.

Note: The above application was left over from the last council
meeting for report of the Medical Officer of Health.

RE RECOMMEND

That in view of the report of the Medical Officer of Health
which will be read at the meeting a certificate be not issued to
Sayed Goolab.

Report of the Medical Officer of Health dated 27/1/26 read
as follows:

"The Town Clerk,
Ventersdorp.

I have inspected the premises of Sayed Goolab on Erf 7. The
Building has a flat iron roof and no ceiling. The floor is part-
ly wooden boards and partly of earth and in disrepair. It is at
present unsuitable as a place of business. It is certainly not
rat-proof and not very clean inside.

It was

RESOLVED

That as recommended by the Committee the application by Sayed
Goolab for a certificate for the renewal of a general dealer's
licence (NO.045028 B) on Erf 7 Carmichael Street, Ventersdorp be
and is hereby refused on the ground mentioned in Section 6 (1)
of the General Dealers (Control) Ordinance 1925 viz:

That the building on (Erf.No.7 Carmichael Street) in respect
of which the application is made is not suitable - being unsani-
tary and structurally unsuitable for the purpose of a General
Dealer's business.

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Copy of Resolution adopted by the Village Council of
Ventersdorp at a meeting held on the 27th August 1926.

**SAYED GOOLAB - APPLICATION FOR CERTIFICATE FOR A NEW LICENCE -
ERF 108, CAEMICHAEL STREET, VENTERSDORP.**

Report of Committee.

We refer to Council the following letter dated 12th July, 1926, from Mr. F. B. Gillett, together with application form referred to therein, and draw the Council's attention to the application which we consider is irregular:

"Application - "Sayed Goolab".

We attach hereto Application Form of the above party in respect of his application for a General Dealer's Licence. Advertisement was duly made in February, 1926, and an application form was at the same time lodged with you together with General Dealer's Licence No. 045028B for the year 1925.

The present application is made under the advertisement of February last, and we hereby notify you that the application form then lodged with you is to be considered cancelled, the present one taking its place.

Your Council refused Sayed Goolab's application for renewal of his Licence for the premises on Erf. No. 7 on the grounds that the premises were not approved by the Medical Officer of Health, and the applicant thereupon removed to Erf. No. 108, notices of such change appearing in the Government Gazette, and the Potchefstroom Herald, on the 19th and 25th February, and the 5th of March last, as required by the Law.

If further information is required we shall be pleased to furnish you with the same.

Please advise us when this application is to come before your Council".

Mr. Attorney Owen who was present on behalf of the applicant stated:

"That it is not the first time applicant had had a licence. That the granting of the application would not prejudice white storekeepers. That he made a previous application for different premises and has now a Fruit Shop in the premises concerned. That the premises for which Essop Mahomed made application (which application was refused) was a portion of and not the same premises in respect of which application is now made.

In reply to Mr. Grundlingh as to whether Sayed Goolab was not carrying on the business of General Dealer without the necessary licence Mr. Owen said that his client says he does not sell anything except under licence and that anybody is at liberty to inspect his stock".

Mr. Owen was at this stage asked to retire from the meeting for a few minutes, in order that council may discuss the application, he having stated that he did not desire to call evidence.

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Mr. Grundlingh moved - Mr. Vermaas seconded that the application be refused on the grounds mentioned in Section 6 (1) (2) and 3 (b) of the General Dealers (Control) Ordinance 1925 and that the applicant be informed that Council considers his application to be irregular.

Mr. Scott moved - Mr. Mansfield seconded that the application be refused on account of it being irregular.

Yoting: In favour of Mr. Grundleigh's motion - Messrs Grundleigh and Vermaas.

For Mr. Scott's motion - Messrs Scott and Mansfield.

The voting being equal the Chairman of the Council gave his casting vote in favour of Mr. Grundleigh's motion which was thereon declared carried. It was therefore

RESOLVED

That the application of Eysed Soolah for a certificate for a new licence to carry on the business of General Dealer on Erf 108, Carmichael Street, Ventersdorp, be and is hereby refused on the grounds mentioned in the section quoted above, viz:

(1) That the premises (on Erf.No.108, Carmichael Street) in respect of which application is made is not suitable - being unsanitary and structurally unsuitable for the purpose of a General Dealer's business.

(2) That the locality or the premises is not one in which it is desirable that the business contemplated should be carried on by the applicant.

(3) That the granting of such licence in respect of the premises for which it is sought is calculated to cause nuisance or annoyance to persons residing in the neighbourhood.

and further:

That Council considers the application to be irregular.

Mr. Owen was called in to the meeting and advised of the decision of the Council as above.

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(COPY)

F. B. GILLET

P.O.Box 47,
VENTERSDORP, 23rd Sept.1926.

Messrs Valli Essop,
Carmichael Street,
VENTERSDORP.

Dear Sirs,

APPLICATION SAYED GOOLAB.

As requested as attach hereto:

- (a) Copy of Minutes of meeting held by the Ventersderp Village Council on the 29th of June last.
- (b) Copy of Minutes of Meeting held by the Ventersderp Village Council on the 27th of August last.

Kindly acknowledge.

Yours faithfully,

(Signed) per A. Owen

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ERMELLO INDIAN COMMITTEE

ERMELLO, 10th December 1926.

The Honorary Secretary,
Transvaal British Indian Association,
P.O.Box 6522,
JOHANNESBURG.

Sir,

Hereto duly instructed and on behalf of the Indian Community of Ermelo town and district I respectfully beg to submit the following for your information and to be brought to the notice of the Indian Deputation to the Round Table Conference.

The Indian Community here number approximately one hundred and sixty (160) and live under great disadvantage and disability.

For the current year one hundred and ninety six (196) General Dealers Licenses were issued by the Receiver of Revenue, out of which only twenty-eight (23) were issued to Indians.

Prior to the General Dealers (Control) Ordinance of 1925 Indians could get trading licences in the district without difficulty and as far as Ermelo town was concerned only the Municipal Bye-laws had to be complied with (I might mention here that in certain villages in the district such as Lake Chrissie, Breyten, Davel and Mergenson all Indian traders are barred).

Subsequent to the passing of the aforementioned Ordinance under which Rural and Urban boards were appointed every application by an Indian for a new licence for 1926 was refused.

On account of the Supreme Court of the Transvaal holding that a portion of the Ordinance was Ultra Vires same was withdrawn and the General Dealers (Control) Ordinance 1926 passed which came in force on the 1st day of September 1926. Not only were applications systematically refused but even transfers.

There is an instance where application was made by Timol, an Indian, for a General Dealers Licence for a bicycle shop in Joubert Street which was refused and immediately after a licence was granted to a Jew by name of Jacob for a bicycle shop in the very same place now trading as the State Mines Bicycle shop. A further instance is that of an application for a Mahomedan butchery owing to the large number of Mahomedans here is a great necessity which was refused owing to the unsuitability of the premises and please note that the very same premises were licenced to a European as a butchery for 1926 who went insolvent.

If this European did not go insolvent the premises would even now have been used as a butchery but when an Indian came along the premises immediately became unsuitable.

Application was then again made and other suitable premises were found where none of the previous objections could apply still the licence was refused, one objection being that there was over trading in Ermelo.

Now under the circumstances why were all new applications not refused and why were new licences continually being granted to Europeans (Syrians and Jews etc.)?

I respectfully submit that owing to the fact that according to the act of Union there can be no Class legislation and if there was it would be upset by the Supreme Court as in the case where...

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where natives were specially taxed for educational purposes. Now to find a loophole the General Dealers (Control) Ordinance was passed giving discretionary power to Rural and Urban Boards to grant and refuse licenses (and in the case of new licenses without the right of appeal). Therefore the natural conclusion, in view of the past and what is still happening is that the aforesaid Ordinance was passed to oppress the Indian and prevent him from trading. And as far as railway accommodation is concerned, the Indian in the country districts is herded with the natives and is compelled to use the same lavatories and the accommodation is very dirty.

Indians are not allowed to enter any Railway Buffet nor is provision made.

I beg to also bring to your notice the fact that although the Indians in Ermelo contribute a large amount to the Town Revenue they are prohibited from either holding or attending any public meetings in the Townhall, neither are they allowed to go to a bioscope although they even suggested that their seats be partitioned off. They are further prohibited from using the sports grounds and no provision is made for them in any way in that line.

In conclusion I submit that the treatment of the Indian here is of such a nature that one cannot think otherwise than that it is the intention to force him to leave the country.

The Indian has never here aspired to Political or social rights and only wants a square deal so as to enable him as a law abiding citizen to make a fair and honest living.

Trusting you will do the needful and thanking you in anticipation,

I am, Sir,

Yours obediently,

(Sgd.) Ebrahim Abdool

Hon. Secretary, Ind.Com.

The Indians residing at Balfour, Transvaal, beg to submit the undermentioned grievances, for consideration at the Round Table Conference, shortly to be held at Capetown.

In 1925, the Transvaal Provincial Council passed an Ordinance requiring all General Dealers to obtain from Rural Boards or from local Municipal Councils Certificates for the issue of General Dealers Licences.

Balfour has a Village Council and this Village Council dealt with the Certificates for the issue of the 1926 Licences.

There were 13 Applications for Certificates of which number 7 were made by Europeans and 6 by Indians.

All the Europeans shops, except one, were in a deplorable condition. Two of them had not been scrubbed or dusted for years. As a matter of fact behind the counters of these two shops the wasted sugar and other dirty stuff had packed on to the floor and was at least half an inch thick. A spade would be required to clean these floors.

All the Indian shops were in perfect condition, and good and substantial buildings.

When the Balfour Council considered the Applications the Europeans received their Certificates without anything been said, while all Indian Applications were refused. The local Indians took the matter to the Supreme Court and won their cases easily but with the result that they had to pay a Bill of Costs, as between party and party of about £580.

After the Supreme Court had given its decision, but before the costs had been paid, a public meeting of inhabitants was held, and at the meeting four out of the six Councillors publicly advertised the fact that they would again refuse the Indian Applications. The Supreme Court ordered the Council to consider the Applications anew. This was done when 5

Applications...

Applications were granted and 2 refused. One on account of it being a new licence. Recently a European applied for a new licence and same was granted while the Indian's Application was refused. -----

Shortly before the 1926 Applications were considered the Village Council sent their Inspector round during the night, and practically all Indians were the next day brought up for having dirty yards. The cases went to Court and they were all thrown out. The Village Council prosecutes nobody else but Indians if it is not for one thing then for another.

of the General Deacons (Control Ordinance, 1924)

The Council as it is constituted to-day is very antagonistic towards the Indians and we anticipate trouble with our 1927 Licences. On the notices being put to the members Messrs

J. J. Beasly, J. C. Davidson, J. A. Ingersoll, A. H. Hamilton

We are not receiving the treatment we are entitled to from the Village Council. Some time ago the Balfour Indians

applied to the Village Council for a burial place and they allotted us a place of ground next to the native cemetery,

On our strongly objecting to this another piece of land was given to us but same is situated about 3 miles out of town and the Council refused to spend any money on fencing etc.

BALFOUR, 2nd December 1926.

(Signed)

Copy of a resolution adopted by the Village Council of Ventersdorp at a meeting held on the 25th January, 1926.

ESSOP MAHOMED - APPLICATION FOR CERTIFICATE FOR A NEW LICENCE: Erf 108, CARMICHAEL STREET, VENTERSDORP.

Mr. White moved - Mr. Brandt seconded that the application by Essop Mahomed for a certificate for a new licence on Erf. 108 Carmichael Street, Ventersdorp, be refused on the grounds mentioned under Section 6 (3) (b) of the General Dealers (Control) Ordinance, 1925.

Mr. Mansfield moved - Mr. Scott seconded that the application by Essop Mahomed be granted.

On the motions being put to the meeting Messrs J. C. Brandt, G.C. Davidtz, J.A. Engelbrecht, A.M. Grundlingh and A.J.A. White voted in favour of Mr. White's motion.

For Mr. Mansfield's motion - Messrs H.C. Mansfield and D.A. Scott.

Mr. White's motion was thereon declared carried and it was

RESOLVED That the application by Essop Mahomed for a certificate for a new licence - Erf 108, Carmichael Street, Ventersdorp, be and is hereby refused on the grounds mentioned under Section 6, (3), (b), of the General Dealers (Control) Ordinance 1925; viz: application for a licence was made

"That the granting of such a licence in respect of the premises for which it is sought is calculated to cause nuisance or annoyance to persons residing in the neighbourhood".

The Chairman of the Council did not vote on the above application.

Certified true copy.

(Signed) T.O. Hefen

TOWN CLERK.

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MORT JOOSTE
Attorney-at-Law.

VENTERSDORP
Transvaal, 25th January 1926.

The Magistrate,
VENTERSDORP.

Dear Sir,

I have been directed by Essop Mahomed an Indian of this town to request you to be good enough to enquire of the Department of Justice whether the Department has anything to suggest in the following:

Said Essop Mahomed holding Lease from I.W. Joffe over premises situate in the main business street of Venterdorp wherein businesses were previously carried on for years was at end July 1925 granted a General Dealers' Licence and he thereafter brought on to said premises stock to the value of plus minus £2000.

In terms of the General Dealer's Control Ordinance which came into force on 28th October 1925 Licence applied for Certificate to Municipal Council of Venterdorp.

Medical report in respect of premises was entirely favourable and no notice of objection of any kind was given to Licencee - neither was objection of any kind raised at Council Meeting when application for Licence was dealt with.

Certificate.....

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To The Magistrate
VENTERSDORP

CONTINUED

*Certificate was on 25th January 1926 refused on Council accepting a motion pursuant to 6 (3) (b) of the Ordinance that the granting of Licence for the premises would cause a nuisance to people residing in the vicinity.

I am to point out that Applicant was afforded no opportunity of meeting the point made for the first time in the Council's resolution and no ground wherefor was disclosed at any stage.

In the result Licences's vested interests have arbitrarily been confiscated without compensation or redress under colour of statute of dubious retrospective effect - apart from the decision having exposed him to penalties under the Registration of Businesses Act 1908 and the Licences Concol Act 1925 and also supplied a ground of sequestration in insolvency against him.

I am to say that Licences is quite prepared to pay Licence imposed by the Licences Concol Act 1925.

I have the honour to be, Sir,

Your obedient Servant,

(Signed) M. Jooste.

VILLAGE COUNCIL OF VENTERSDORP.

TownClerk's Office,

VENTERSDORP, 4th March 1926.

F. B. Gillett Esq.,
VENTERSDORP.

Dear Sir,

re APPLICATION GENERAL DEALERS LICENCE
ESSOP MAHOMED.

With reference to your letter of the 22nd ultimo,

I am instructed to inform you as follows:

1. That special regulations were not framed by my council.
2. That a copy of the minutes at which the application referred to therein was refused will be typed and sent to your office as soon as possible.
3. That my council is not obliged to give reasons for the refusal.
4. That the grounds on which the application was refused are those mentioned under Section 6 (3) (b) of the General Dealers (Control) Ordinance 1925, viz:

"That the granting of such a licence in respect of
"the premises for which it is sought is calculated
"to cause nuisance to persons residing in the neigh-
"bourhood".

Yours faithfully,

(Signed)

TOWN CLERK.

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To
P. B. GILLETT
Solicitor & Notary
Valli Essop
General Dealer
VENTERSDORP.

Ventersdorp,
Monday 22nd March 1926.

Re Application General Dealers Licence
Essop Mohamed.

At your request we hand you herewith:

1. Letter from the Village Council of Ventersdorp dated the 4th of March addressed to us, containing a statement of the grounds on which the above applicant was refused the licence.
2. Copy of resolution adopted by the Village Council of Ventersdorp at a meeting held on the 25th of January 1926.

Yours faithfully,

F.B.Gillett

per A.Owen.

Receiver of Revenue,

VENTERSDORP,

30th July, 1926.

LICENCE.

(Transvaal, 1925).

UNION OF SOUTH AFRICA.

License is hereby granted to Essop Mohamed trading as Essop Mohamed, Erf.108, Carmichael Street to carry on the Profession, Trade or Vocation of General Dealer at Stand 101, Market Street, Ventersdorp, Box 55, Ventersdorp, (Subject to the Licensee's right to the use of the premises for the purposes mentioned) for the period from date hereof to the 31st December 1925, the sum of one pound, computed as under, having been received for the License:

Particulars of payment:

(a) License Duty £1: 0: 0

(Signed)

Receiver of Revenue.

VENTERSDORP.

Syed Goolab, 7, Carmichael Street, Ventersdorp: Renewal refused, but has been granted to a Jew at the same premises.

Messrs Valli Essop, S.M. Pahyat: New licenses refused Melville District, Ventersdorp; for Europeans granted.

M.E. Gona: New license refused, but for Europeans granted.

Essop Mohamed, 108, Carmichael Street: New license refused.

Out of 14 Indian licenses in Ventersdorp 8 granted. All European applications have been granted.

ERMELLO.

Out of 196 Licenses issued, only 28 licenses have been issued to Indians. In certain villages in the district of Ermelo such as Lake Chrissie, Breyton, Danel and Morgenzon Indians are entirely barred to trade. Timal, Joubert Street, Ermelo, was refused, but has been granted to a Jew named Jalah.

POTCHERSTROOM.

1902 - 1920. Indians held about 45 licenses, but since the new Ordinance has come into force there has been only 23 licenses issued to Indians. Not a single new license has been issued to Indians, but to Europeans both renewal and new applications have been granted. H. Beloomal who carried on a business for about 20 years has now been refused a license.

LICHTENBURG.

C. Dawood of Lichtenburg: New license refused, but other new licenses, totalling about 60 have been granted to Europeans.

BETHAL.

Kola & Co: New license refused.

BALFOUR.

7 Europeans and 7 Indians applied for G.D. License. 7 European licenses were granted, but the whole of the 7 Indian licenses were refused. The matter was taken to the Supreme Court. Order was made to reconsider the Indian application out of which 7 has been issued, 2 refused. £580 were the costs involved between party and parties.

"B"

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POTCHEFSTROOM.

6th December, 1926.

The Honourable,

The Members of the Indian Government Deputation,

SOUTH AFRICA.

The undersigned, on behalf of the British Indian Association of Potchefstroom, desire to take this opportunity of submitting to you certain grievances which exist in the town of Potchefstroom.

There are a large number of grievances, but we desire to draw your attention to what is considered to be the outstanding one. It is considered that in many cases applications

From 1902 until 1920 licences to trade held by Indians in the town of Potchefstroom numbered between 40 and 45, and a large number of licenses were also held by Europeans. The licenses at present held by Indians in Potchefstroom are as follows:-

Licences as General Dealers, that is, trading in Groceries, Soft Goods, Hardware and other articles.

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Licences for the sale of fruit, as it is rare, 5

There are 7 Licences for General Dealers and 1 for

the sale of Fruit in the Asiatic Bazaar, Potchefstroom, so that it will readily be seen, that there

has been a marked decrease in the number of Licences

held by members of the Indian Community.

The Licences held by Europeans in the town of Potchefstroom

are estimated to be four times the number of those held

by members of the Indian Community. Several of the pre-

mises in which business is carried on by Indians in the town

of Potchefstroom, and in the Asiatic Bazaar, are the property

of Indians. The amount paid in assessment rates, that is,

rates to the Municipal Council of Potchefstroom, is estimated

to be £400 to £450 per annum. A large amount is also paid

by...

by Indians in the way of Income Tax and Licence Fees. It is estimated that the value of the Stock-in-Trade carried by Indian Merchants in the town of Potchefstroom is in the neighbourhood of £50,000 and the value of stock carried by Indian Merchants in the Asiatic Bazaar, is estimated to be about £25,000. Indian Merchants are at present finding it difficult to obtain the necessary certificates for the renewal of their licences to trade. Recently a Provincial Ordinance was passed, under which merchants were required to obtain a certificate from certain Control Boards enabling them to trade. In Urban areas the Control Board is constituted by members of the Town Council, who in many cases, are themselves merchants and adverse to Indians carrying on trade, with the result that it is considered that in many cases applications are not dealt with fairly or justly.

Last year the Licences of 7 Indians were refused and quite recently objections have been made to the licences held by three or four Indians. It is reported that when this Trade Ordinance was before the Transvaal Provincial Council, the Administrator of the Transvaal in reply to certain objections that there were made by European Merchants is reported to have said:

"You need not raise any objection to it, as it is merely meant to settle the Asiatic question".

If such statement be correct, we feel that the Trade Ordinance is meant to inflict an injustice on members of the Indian Community. Last year approximately five or 7 new licences were issued to Europeans to trade in the town of Potchefstroom, while in no single instance was a new license granted to an Indian to trade. The Ordinance dealing with the issue of certificates to trade provides that objection can be taken on several grounds. Briefly these are:

- (1) That the premises where it is intended that the licence should be carried on are not suitable for the purposes of the business whether as regards their sanitation or situation or character of the buildings, structurally or otherwise.

- (2) That the locality of the premises is not one in which it is desirable that the business contemplated should be carried on by the applicant or
- (3) That in the event of the Local Authority or Board concerned, the applicant is not a fit and proper person to hold a licence or to carry on such a business, and in the case of a business where articles of food or drink are produced, prepared, used or sold for human consumption also on any of the following grounds:-
 - (a) That the applicant is by reason of the uncleanness of his person or habits or methods unfit to be entrusted with the handling, preparation, or sale of such articles of food or drink, or is otherwise not a desirable person to hold such a licence.
 - (b) That the granting of such a licence in respect of premises for which it is sought is qualified to cause nuisance or annoyance to persons residing in the neighbourhood.

These objections can naturally be brought against Europeans as well as against Indians, but are chiefly used against members of the Indian Community. Several Indians whose certificates were refused, have been compelled to appeal to the Courts for redress. The appeals failed with the result that the parties affected lost considerably, and in several cases have had to surrender their estates. It is contended that the objections raised against the Indian Community are in many instances raised simply for the purpose of harassing Indian merchants in the hope that they will be forced to leave the country.

We might bring to your notice as an example of the methods used against members of the Indian Community the case of one, H. Reloomal. Mr. Reloomal had been a resident in this country for some twenty years, and carried on the business of a Silk Merchant. He went to India for a trip and on his

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return to South Africa restarted as a Dealer in Silk. There has been no conviction whatever for any offence against him. His application to the Local Authority for a certificate to trade as a General Dealer was refused without any reason being assigned. It is contended that the refusal in Beloomal's case is due to trade jealousy and in an endeavour to oust the Indian Community from South Africa.

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S T A T E M E N T.

SUBMITTED TO THE LEADER AND MEMBERS OF THE GOVERNMENT OF
INDIA DELEGATION TO THE ROUND TABLE CONFERENCE. BY THE
SOUTH AFRICAN INDIAN CONGRESS.

DECEMBER, 1926.

Headquarters :

Durban Natal.

A. I. KAJEE.

Hon. General Secretary.

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STATEMENT.

SUBMITTED TO THE LEADER AND MEMBERS OF THE
GOVERNMENT OF INDIA DELEGATION TO THE ROUND
TABLE CONFERENCE BY THE SOUTH AFRICAN INDIAN
CONGRESS.

Gentlemen,

We, the Deputy-President and the Honorary General Secretary of the South African Indian Congress, which is constituted of the Natal Indian Congress, representing the Indians resident in Natal, the Transvaal British Indian Association, representing the Indians resident in the Transvaal Province, and the Cape British Indian Council, representing the Indians resident in the Cape Province, authorised by a resolution of an Emergency Conference held on the 6th and 7th December 1925, beg to submit to you the following statement in regard to the position of the Indian Community in the Union of South Africa.

It is within the knowledge of the Government of India, which you have the honour to represent at the Round Table Conference that soon after the introduction into the Union Parliament of the Areas Reservation and Immigration and Registration (Further Provision) Bill, known as the Asiatic Bill, and which is in this statement referred to as such, a Conference of the South African Indian Congress was held in Cape Town on the 10th November 1925 at which two important resolutions bearing on the Asiatic Bill were passed, namely:-

"That the South African Indian Congress views with alarm
"the Areas Reservation and Immigration and Registration
"(Further Provision) Bill which is in violation of the
"1914 Gandhi-Smuts Agreement, and which Bill has for its
"object the compulsory segregation of Indians, the de-
"privation of their proprietary rights, and the ultimate
"elimination of the Indian Community as openly declared
"by the Minister of the Interior, and begs to submit
"that on a matter of principle the Indian community of
"South Africa opposes this Bill in toto"

That...

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"That this Congress urges upon the Union Government
"to consent to a Round Table Conference of representa-
"tives of the Union and Imperial Governments, the
"representatives of India, the Indian Government and
"the representatives of the South African Indian
"Congress to consider the whole position of the Indians
"here and arrive at an honourable settlement.

We beg leave to observe at this stage that although the principle of holding a Round Table Conference for a discussion of the Indian problem was secured by the Government of India, yet the question of our representation, as parties vitally affected, and as pressed for in our resolution mentioned above, was left undecided by the Government of India and the Union Government, desire to emphasize this point, as we feel that in view of the formula agreed upon as a basis of discussion, and in view of the non-representative character of the Indians resident both in Natal and Transvaal Provinces, the Indian community feels that the non-inclusion of its representatives at the Conference has greatly disappointed it, and that therefore any conclusion arrived at by the Conference will necessarily have to be considered by our Congress.

The subject of holding the Round Table Conference, and the cables exchanged in connection therewith between the South African Indian Congress and the Government of India, necessitated the convening of an Emergency Conference which assembled at Durban on the 6th and 7th days of December 1926, and which unanimously adopted the following resolutions:-

"That this Emergency Conference re-affirms its
"objection in toto to the principles underlying
"the areas Reservation and Immigration and Registration
"(Further Provision) Bill"

"That although the South African Indian Congress
"has been given no representation on the Round Table
"Conference in accordance with the resolution of the
"South African Indian Congress unanimously passed
"at its Fifth Session held at Cape Town in November
"1925, nevertheless this Emergency Conference of the

South...

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"South African Union Congress expresses its
"willingness to assist the Indian Delegation as
"desired by the Government of India in its
"communication to the Secretary of the South
"African Indian Congress dated the 3rd of June 1926".

We beg to formally convey to you, before proceeding further, our high sense of gratitude to you, and through you, to the Government of India for the opportunity afforded us to render to the Delegation whatever assistance that may be possible for us to give, and to present you with this statement, which it is trusted, may afford you useful information on the Indian question.

As carrying out the terms of the resolution which entrusts us with the duty of assisting the Delegation, we beg to give below a brief summary of, and observations upon the several larger grievances and disabilities to which Indians are subjected.

It is our firm belief that this summary will not only show at a glance the larger grievances under which we labour, but will indicate to you the wants, wishes and aspirations of the Indians born and domiciled in the Union of South Africa. It is also our firm belief that until these are granted and attained, the Indian Community here will irresistibly feel that no complete solution of the Indian question can be said to have been found.

As an introduction to our summary, we refer you to terms of the Gandhi-Smuts Settlement of 1914. After the chief controversy, which then unhappily existed between the Indian Community and the Union Government had been settled, a solemn pledge was given by the Government, which was as solemnly accepted by the Indian Community, that existing laws will be administered in a just manner and with due regard to vested rights. This settlement operated as a chief factor in inducing the Community here in accepting the closed door policy against free immigration...

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tion of Indians from India, and in leading us to believe that as time went on, the position of the Indians will be improved, their status raised and their resourcefulness utilised in the best interest of South Africa and to their advantage. Soon after this settlement the Great War was declared and during the period it continued and until the cessation of hostilities, the Indian Community enjoyed security of peace, and a spirit of friendliness prevailed amongst all sections of the Community and nothing was done either by the Government or by the Europeans to irritate the Community. Immediately Peace was declared there was introduced both in the Transvaal and Natal Provincial Councils legislation after legislation threatening the vested rights of Indians. We refer you to the circumstances under which Act 37 of 1919 which made illegal the formation of Indian limited liability Companies to purchase and hold immovable properties in the Transvaal. About that period the Natal Provincial Council introduced the Rural Licencing Amendment Ordinance making radical changes in the system of licencing laws, which then operated in rural areas. A Township Ordinance was also introduced which aimed at depriving Indians of their township franchise. The Indians in Natal opposed with success at first the passage of the rural Licencing Amendment Ordinance, and later the Township's Ordinance, which was vetoed or otherwise reserved by the Union Government on four successive occasions. From this period onwards it will be noted that measures such as the Rural Licencing Amendment Ordinance, Boroughs Ordinance, Township's Ordinance (Natal) and General Dealers' Control Ordinance (Transvaal) and others were, notwithstanding our protest and opposition, passed and became law. We have in passing referred to the attitude which spelt
disastrous ...

disastrous results to Indian vested rights. Moreover, existing laws, wherever Indian rights and interests were concerned, were harshly and unsympathetically administered. In this way the Government by its legislative and administrative action has not only broken the letter but the spirit of the Gandhi-Smits Settlement, as is evidenced by each turn of events that followed it.

We feel that in as much as vested interests have been attacked and rights taken away and further inroads made upon the rights and privileges hitherto possessed and enjoyed by Indians, just as we are and have been anxious to observe and carry out for our part the terms of the settlement, the Government on its part should restore to us our lost position to the time of the settlement and maintain the status quo. In other words, we ask that those laws, whether Provincial or Union, which have adversely affected the rights of the Indians should be repealed.

POPULATION.

The total population according to the figures published by the Census Department for the year 1921 in the three Provinces is as follows:

Natal	141,336
Transvaal	13,405
Cape Province	6,498
Total	<u>161,239</u>

Of these, the number of those born in the Union is 102,250, but for the year 1926 the estimated population of those born in the Union is 125,536.

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INDIAN POPULATION OF THE UNION.- Number of Indians.- At the request of the Government of India special returns have been made in respect of, the Indian population of the Union, a summary of which is given in the table hereunder.

NUMBER OF INDIANS IN THE UNION AND PROVINCES. CENSUSES 1911 AND 1921, CLASSIFIED ACCORDING TO BIRTHPLACES.

BIRTH- PLACE.	CAPE		NATAL		TRANSVAAL		ORANGE FREE STATE		UNION	
	1911.	1921.	1911.	1921.	1911.	1921.	1911.	1921.	1911.	1921.
Union of S.A.	1,381	2,630	59,277	93,767	3065	5,853	53	73	63,776	102,323
Assam.	5	56	20	3	6	-	-	-	31	59
Bengal	193	254	15,468	5,782	501	87.	3	-	16,165	6,123
Bombay	2819	1,301	4,588	2,790	3474	2,401	2	1.	10,883	6,493
Burma	7	25.	12.	21.	14.	4	-	-	33	50
Centl. Provin- ce										
Behar	8	2.	26	95.	15	7	-	-	49	104
Eastn. Bengal	3	2	-	102	-	1	-	-	3	105
Madras	619	199	39,295	18,148	1392	441.	8	2	41,314	18,790
Punjab	123	58.	95	100.	121	28	3	-	342	186
U.P.of Agra & Oudh.	32	9	225	674	8	27	-	-	265	710
Other Provin- ces	974	1,627	13,692	19,036	1323	4,301.	32	13	15,921	24,977
Other Count- ries & Unspeci- fied	442	335	433	818	129	255	5	11	1,009	1,419
Total	6,606	6,498	133,031	141,336	10,048	13,405	100.	149,791	161,239.	

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LAND.

KATAL. In the Province of Katal, Indians enjoy the right of acquisition and ownership of land. In respect of unalienated land belonging to local authorities, i.e., Municipalities and Townships - the provisions of the Boroughs Ordinance and the Townships Ordinance apply. Local Authorities are empowered in the sale or lease of any immovable property belonging to a Borough or a Township, as the case may be, to prohibit the ownership or occupation thereof by person of European descent, Asiatic or Native (vide section 170 of the Boroughs Ordinance No.19 of 1924).

The principle of free competition in regard to the sale and purchase of this class of land was thus eliminated and local Authorities are empowered at their discretion, to exclude Indians from owning or occupying unalienated land.

Instances of hardship that have been imposed on Indians are given fully in our statement of information supplied to the Paddison Deputation on this, as well as other matters, and members are kindly referred to the information and statistics contained therein. The net result of the application of the provisions in regard to unalienated land has been that Local Authorities are openly pursuing a policy of segregation on a small scale, which was and still is objected to by Indians.

In regard to land, privately owned by Europeans, there is a growing tendency mainly due to prejudice, to prevent Indians from purchasing their land by inserting in their title deeds some such clause as this - commonly known as the anti-Asiatic Clause:-

"This transfer is passed subject to the condition that the transferee, his heirs, executors, administrators or assigns, shall not sell, let, lease or allow occupation of the aforesaid property to any Asiatic or person of Asiatic descent".

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No objection can be taken to this method of dealing with individually owned properties. We quote this as an instance to shew that if the allegation of encroachment is true then this method is sufficient to prevent their land from falling into the hands of Indians.

We give in the table below the acreage of land in each district of Natal, and the acreage of land held by Asiatics. A study of the table will shew that the total acreage of land in Natal is 11,299,360 acres out of which a matter of 89,869 acres 2 roods and 39 perches are owned by 141,336 Indians in Natal, which really means that 1 acre in every 200 acres is owned by Indians.

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LAND HELD BY ASIATICS IN NATAL.

Held by Asiatics

District	Area Acres	Within Coast Belt			Outside Coast Belt			Total		
		Acres	Roods	per-ches	Acres	Roods	Per-ches	Acres	Roods	Per-ches
Camper-down	235,520	267	1	10				267	1	10
Dundee	534,400				3,758	2	24	3,758	2	24
Durban	55,680	6,424	1	31				6,424	1	31
Estcourt	138,080				68	1	11	68	1	11
Harding	364,800	2			5	3	16	7	3	16
Help-makaar	187,520					3	32		3	32
Impen-dhle	448,000				84		16	84		16
Inanda	284,160	18,987	1	11				18,987	1	11
Ixopo	624,640	417		32	80	3	5	497	3	37
Klip River	879,360				900	1	18	900	1	18
Krantz-kop	274,560				419	1	34	419	1	34
Lions River	401,920				61	3	29	61	3	29
Lower Tugela	289,920	31,569	1	28				31,569	1	28
Newcastle	716,800				3,967	2	17	3,967	2	17
New Hanover	332,800	491	1	18	27	2	23	519		11
Pieter-maritzburg	262,400				2,964	3	21	2,964	3	21
Pinetown	276,480	4,229	1	39				4,229	1	39
Polela	774,400				293		7	293		7
Port Shepstone	341,760	1,498	1	30				1,498	1	30
Richmond	332,800	122	3	6	79	2	37	202	2	3
Umsinga	461,440				25	2		25	2	
Umvoti	559,360				3,171	2	14	3,171	2	14
Umzinto	430,080	9,863	2	2				9,863	2	2
Bergville	292,480				56	1	38	56	1	38
TOTAL IN NATAL	11,299,360	73,873	17	7	15,968	11	32	89,841	2	39
CULULANI	6,672,000				28			28		

The Districts which are situated in what is called Coastal Belt possess cultivable land, which may be summarised as follows:

Camperdown	235,528	Acres
Durban	550,680	"
Harding	364,800	"
Inchange	284,160	"
Ixopo	624,640	"
Lower Tugela	289,920	"
New Hanover	332,800	"
Pinetown	276,480	"
Port Shepstone	341,760	"
Richmond	332,800	"
Umzinto	430,080	"
Total	3,568,640	

Of this acreage of land only an extent of 73,873 acres 1 rood 7 perches are owned by Indians compared with a total Indian agricultural population of 20,669.

Take for instance the district of Estcourt which consist of 1,198,080 acres. This district is not wholly pastoral but cultivable as well. Only 68 acres of land are owned by Indians. The same may be said of Klip River, Krantzkop, Pietermaritzburg, Umsinga, Umvoti, Bergville and Weenen, where cultivable and pastoral land exist. The extent of land in these places owned by Indians is negligible compared with their population in such districts.

TRANSVAAL

Law No.3 of 1885 prohibits the ownership of fixed property except only in such streets, wards, and location as the Government (i.e., the Republican Government) for purposes of sanitation shall assign to them to live in. This law is still in force. Its object and intention are fully related in the report issued by the Asiatic Enquiry Commission of 1921 and need not be repeated here. Even in locations under the prevailing practice, the occupation of land by Indians is restricted to a monthly tenancy. Indians in some of the locations do not enjoy the security of tenure as locations are removed at the will of the Local Authorities concerned.

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The root of all the evil with regard to tenure of land in the Transvaal goes back to Law 3 of 1885 above referred to and nothing short of the total repeal of this Act will make the condition of holding property in the Transvaal favourable to the Indian Community which holds domiciliary rights there.

By Act 37 of 1919 the lawful acquirement of landed properties by limited liability companies formed by Indians under the Company Law was made unlawful, and even the right of allowing the appointment of Europeans to hold places of worship (as in the case of Ventersdorp Mohammeden Mosque) in trust, which was a vested right enjoyed long before the Gandhi-Smuts agreement became a settled fact, has been taken away.

As the law at present stands Indians cannot own religious places of worship in the name of their own Trustees, nor even in the name of a European nominee, e.g. Melrose Hindoo Temple and Mahomedan Students Hostel House Newtown and Cemetery Warmbaths.

Act 27 of 1907 of Transvaal prohibits Indians from residing and trading in certain parts of Vrededorp, which are deemed to be a European locality. Act 34 of 1908 provides for the insertion of a restrictive clause in all deeds and grants of leasehold properties, whether owned privately or by townships proclaimed by the Government, resulting in depriving Indians in acquiring leasehold title to land and in prohibiting them from reading or residing in such townships under pain of confiscation where such land is held by Indians under lease.

Sections 130 and 131 of Act 35 1908 known as the Gold Law, prohibit coloured persons, including Indians, from occupying land or trading in proclaimed areas. Taking advantage of the provisions of this Act the Municipal Council of Krugersdorp applied to the Supreme Court for an interdict restraining T.W. Beckett & Co., Ltd. from permitting the occupation by an Indian of a certain shop and his residence therein.

The effect of the judgment in this case resulted in the Indian closing down his shop. A petition by the Indian community in...

issues involved, led to the appointment of a select committee, and to the enactment of Act 37 of 1919, which protected and legalized merely the trading rights of Indians carrying on business in proclaimed mining areas as at 1st May 1919, but deprived the right hitherto enjoyed by them of acquiring land by private limited liability companies.

In the case of Natal we ask that the provisions in the Boroughs and Townships Ordinance relating to the sale and lease of unalienated land be repealed. And in the case of Transvaal Province the repeal of Act No.37 of 1919.

LICENCE.

NATAL

Act No.18 of 1897 (Natal) called the "Dealer's Act" creates the administrative post of Licencing Officers and vests in them full and unfettered powers of discretion to grant or refuse licences. Their decisions are subject to appeal to Town Council or Local Board only. In the case of refusal to renew existing licenses the right of appeal is allowed to the Supreme Court under Act 22 of 1909.

The Rural Licensing Amendment Ordinance of 1923 made a change in the existing system of control and issue of licences in areas outside Municipalities and Townships and created Licensing Boards in areas defined, with the same discretionary powers as are contained in the Parent Act (No.18 of 1897). This Ordinance instead of safeguarding the existing right of appeal in all cases from the decision of a Licensing Board to an Appeal Board, limited the right of appeal only on the ground of the fitness of the person. This is a gross and unjust deprivation of the rights hitherto enjoyed by Indians.

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The Burroughs Ordinance of 1924 as well as the Township's Ordinance 1926, which is on all fours with the Boroughs Ordinance perpetuates existing principles as to the issue and control of licenses and lays down without in any way disturbing the provisions of the Dealer's Act specific grounds upon which licenses shall be refused if the Licensing Officer is not satisfied:-

1. That the locality of the premises is one in which it is desirable that trade or business contemplated shall be carried on by the applicant or at all;
2. That the premises are in every respect suitable for the purposes of such trade or business, whether as to structure, size, character, sanitation, ventilation, safety from fire, adequacy of fire appliances or emergency exits.
3. That the applicant is a fit and proper person to hold such license or carry such business.

Ground No.1 is of all the most dangerous in as much as it places in the hands of a Local authority the power of preventing Indians from acquiring trading licenses in localities which are deemed to be European. Invariably licenses are refused to Indians in such localities on the ground that "no necessity exists and that it is not in the interest of the public to grant a license for the class of business".

The Licensing laws, it is admitted, operating in Natal are general in their application, but the unjust and harsh administration of the same has proved a veritable source of danger to Indian trading rights. These laws have placed in the hands of officers charged with the duty of administering them extraordinary powers of curtailing, if not altogether, eliminating Indian trading rights and interests, wherever deemed possible.

The most astounding situation created by the Licensing laws is that a Licensing Officer and a Town Council on a Local Board which appoints him stand in the relation of master and servant, and the Licensing Officer as a servant carries out a joint...

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joint policy of the Town Council and himself of weeding out Indian Licenses in what is regarded as European localities, and in reducing wherever opportunity offers Indian licenses, in Boroughs, as in the case of Durban, or in Townships, as in the case of Estcourt. The right of appeal to Town Council or Local Board in view of the policy pursued becomes a farce.

Even Act 22 of 1909 which gives the right of appeal in the case of renewal of a license from a Town Council or Local Board to the Supreme Court has become a dead letter in so far as the Indians are concerned. In the case of Sophia Bhayla vs. the Licensing Officer of Estcourt, the Supreme Court has expounded a new principle in the interpretation of Act 22 of 1909, that it has no power to interfere with the exercise of discretion by the Licensing Officer, and on an appeal against that decision, the Appellate Court has laid it down that it had no jurisdiction to interfere with the decision of the Natal Supreme Court. This decision has staggered the Indian Community, which feels that all protection given by Act 22 of 1909 in case of renewal of licenses is nullified and that there is a grave risk of its existing trading rights being in danger, if Licensing Officers unscrupulously refuse to renew licenses on some pretext or other. We annex hereto copy of judgment of both the Supreme and Appellate Courts in Sophia Bhayla's case for the information of the Delegation, so that they may appreciate our standpoint. (Annexure A).

Numerous decisions of the Higher Courts can be cited at length to show that gross irregularities and injustice are being done in case of Indian licenses and it is only after incurring considerable legal expenses that redress is obtained. In short the Licensing Laws as they operate in Natal to-day have placed in the hands of the Licensing Officers a formidable weapon to...

to destroy Indian trade as occasion presents.

A reference to comparative statistics supplied to the Paddison Deputation shows the gradual reduction in the number of General Dealer's licenses held by Indians in Natal. The number held by them in 1902 was 1921, which in 1923 had fallen to 1671 and in 1926 to 1350. A slow decrease is taking place annually mainly due to the tightening up of the Licensing Laws and the harsh administration of the same.

TRANSVAAL

Under the old Republican Law No.3 of 1885 the view was held that Asiatic trade as well as residence was prohibited outside locations. Instructions were consequently issued to Receivers of Revenue to refuse the granting of licenses outside locations. But the point was tested in the case of Habib Motan in the Supreme Court of the Transvaal, and it was held that the instructions so issued were illegal, and that the right to trade outside locations was not prohibited by Law 3 of 1885.

As recently as 1925 the General Dealer's (Control) Ordinance was passed, but certain provisions were declared to be ultra vires by the Transvaal Supreme Court, in the case of Downak Said Company. Consequently the Ordinance was withdrawn, and the Ordinance now known as the General Dealer's (Control) Ordinance No.12 of 1926 was substituted. This contains provisions similar to the Licensing Laws which operate in Natal. The provisions are analogous to those of Natal and are of general application, but the administration of the law is again like Natal, directed to the detriment of Indian trade and licenses. Moreover, to dislodge licenses lawfully obtained under the Ordinance, which had been declared ultra vires, a provision with retrospective effect was inserted in the new Ordinance declaring all applications for the renewal of a license issued between 12th May 1926 and the date on which the new Ordinance came into force to be regarded as new licenses. This exposes the Indians who have obtained licenses to have their licenses refused and their business ruined. The right of appeal to the Supreme Court is taken away. The effect of this is being felt by Indians in most of the towns and districts where regardless of the suitability of persons and premises, applications for licenses are invariably refused.

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This Ordinance by the effect of its administration has created a situation which nullifies the decision in the Habib Moten's case, and the rights conferred under Act 36 of 1903, which entitled Indians to trading licenses upon the production of their registration certificates.

It may be explained here that the License Consolidation Act 1925 created, for the purpose of revenue, new Licenses for certain class of trade which was covered by a General Dealer's License before. Such new licenses among others are: Ferated or Mineral Water Dealer and Patent Medicine Dealer, which a General Dealer was not required to take out. He has to obtain these Licenses in connection with his Dealer's License in compliance with the law. A duplication of license to trade thus created, may give a false notion as to the increase in the number of licenses in certain trades. This is not so. We ask that this point be borne in mind when any comparison takes place in respect of licenses held by Indians and Europeans.

We urge, in order to remedy this state of affairs, that a right of appeal in all cases to the Supreme Court should be allowed.

We attach herewith a table showing the number and nature of licenses held by Asiatics in the Provinces of the Union, as against the total number of licenses issued.

The following table gives the number of trading licences issued during the year 1925-26 by the Inland Revenue Department. In addition to these, municipalities had also during this year the right to issue certain trading licenses. Figures for Natal are given in the last column, but those for other Provinces are not available.

TRADING LICENCES ISSUED THROUGH THE INLAND REVENUE DEPARTMENT 1925-26 AND NATAL MUNICIPAL LICENCES.

	CAPE		NATAL		TRANSVAAL		U.F.S.		Natal Municipal Licences
	Total	Asia-tic	Total	Asia-tic	Total	Asia-tic	Total	Asia-tic	
erated or Mineral ater Manufacturer	238	7	46	2	74	-	37	-	-
erated or Mineral ater Dealer	1,661	301	560	221	524	15	329	1	-
othecary	257	1	98	-	231	-	48	-	-
aker	481	9	98	20	135	1	101	1	35
arding or Lodging ousekeeper	482	-	111	-	302	-	68	-	411
uchu Buyer	29	1	-	-	-	-	-	-	-
utcher	1,695	135	435	95	1,268	88	250	-	158
dealer or Specul- tor in Live Stock r Produce	1,204	5	216	63	395	29	538	-	1,889
ating-house Keeper	221	33	278	152	345	19	11	-	11
resh Prod. Dealer	1,851	509	206	120	534	71	200	2	-
eneral Dealer	13,511	1,400	3,973	1350	14,032	3066	2,065	3	2,884
awker & Pedlar	3,825	934	1,731	923	3,082	1089	40	-	555
awker - Raw Meat eller	-	-	-	11	-	-	-	-	-
undry - Steam nd other	47	18	45	37	23	3	1	-	96
iller	298	2	169	21	215	4	110	-	25
otor Garage	465	-	141	5	321	1	147	-	67
strich Feather Buyer	2,947	-	-	-	-	-	-	-	-
atent or Pro- rietary Medicine awnbroker	709	181	507	240	1,740	489	630	-	-
	11	-	1	-	12	-	1	-	4
estaurant, Refresh- ent & Tea-room eeper	649	46	395	163	980	106	261	3	452
emporary	152	-	20	10	22	-	29	-	-
TOTAL	30,733	3,582	9,030	3,433	24,235	4,981	4,866	10	6587

EDUCATION

NATAL

The question of education has been fully dealt with in the statement supplied to the Paddison Deputation, and since then the Provincial Council has introduced an Ordinance under which further curtailment of Indian education was sought. The Ordinance among other things, provided for the registration of all schools, whether privately controlled or aided by Government where ten or more pupils received tuition and that before registration could be effected, the structural and sanitary conditions of the premises, the method of instruction and the competency of the teachers had to be approved by the Government. The Ordinance has been shelved for the time being, owing to the select committee not reporting in time, but most probably the same will be placed on the Statute Book next year.

There are 47 Indian schools in Natal, and out of this number 39 are Government aided and 8 Government schools. In the case of the Government Aided schools the buildings belong to private individuals, and in most cases are in a dilapidated condition. As there is no institution in the present system of Indian education for the training of teachers, in the majority of these schools incompetent persons are employed to teach. Moreover, the emoluments granted to the teachers are so meagre that they afford no encouragement to those who are better suited to the position. Therefore, the position would be in the event of the proposed Ordinance becoming Law, that the majority of these schools will have to be closed down, without any provision being made for the children attending these schools to continue their studies elsewhere.

Although the Wheel-Tax has been imposed for the purpose of meeting the cost of education and that Indian contribute equally towards this imposition and other taxes that go to the coffers of the Provincial Exchequer, no facilities are...

are afforded to the Indian child to advance equally with the children of other communities in this respect.

Ever since the extension of free and compulsory education to the European and Coloured communities, the Indian Community has asked for this benefit to be extended to it, but to its utter disappointment its request has always been turned down by the Government. In 1923 the Provincial Council decided not to in any way increase the vote on Indian Education and the position has ever since been maintained, notwithstanding the demands made year after year for the expansion in the way of additions to the present school buildings and the creation of new schools. Hundreds of children are being refused admission for want of accommodation. The Provincial Council has, during the early part of this year, even gone so far as to unanimously adopt a resolution that European lady teachers in Government Indian Schools should be replaced by male teachers as soon as it is convenient to do so

Any attempt on the part of the Indians themselves to open up schools has not received the support of the Government, and no scope whatever for progress exists for those Indian students who have completed their studies.

Transvaal & Cape
In the Transvaal Province Indians are, in terms of Act 25 of 1908 only given primary education, and secondary and higher education is for Europeans only. Some of the Indian schools originally privately founded by Indians are since aided by Government. In the Cape Province the position is not so acute as the Indians are grouped with coloureds, and all benefits that accrue to the one accrue to the other. The question of extending free and compulsory education to the coloureds is the subject of a Commission of Enquiry which has not yet completed its labours. The table given below of the number of European and Indian children of school going age shows an appalling state of affairs as to the negligence shown towards Indian education.

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NUMBER OF EUROPEAN CHILDREN OF SCHOOL GOING AGE.

1921	334,426
1922	338,500

Of which according to census report of 1922
323,851 were attending school in the quarter
of 1922.

NUMBER OF INDIAN CHILDREN OF SCHOOL GOING AGE
AS PER REPORT OF 1921 TAKEN ACCORDING TO AGE
GROUP 5 - 9 AND 10 - 14.

<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>
22,711	20,673	43,384

Of which according to Census Report of 1922 the
following were receiving education in the last
quarter of the year 1922.

<u>NATAL</u>	<u>MALE</u>	<u>FEMALE</u>	<u>TOTAL</u>
	6,709	1,149	
<u>TRANSVAAL</u>	472	86	8,416

There are 12 Government schools and 39 Government
Aided Schools for the Indians in the Union, while
for the Europeans 4,833 schools are provided.
The average expenditure on Indian education is
£2:3:10 per child, while the expenditure on
European education is £17:17:9 per child.

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It will be noticed from the above that a small percentage of Indian children attend school and receive education compared with the total number of children of school going age. There are, according to statistics, 34,968 Indian children who do not receive the benefits of even primary education. The reason for this can only be attributed to the fact that the State refuses to recognise its duty towards affording facilities of education for these children. In brief the position of Indian education may be stated as follows:-

1. In Aided schools conducted by European Missionaries, education is given up to Standard 4 and the curriculum is inferior to that of European schools of the same standard.
2. Government Indian schools which are only 12 in number of the Union impart education from 4 to 7 Standard in some four of these schools, and in the rest of them to the 4th and 5th Standards only.
3. No higher education of any kind is given.
4. Colleges and universities are closed against the entry of Indian students as residents.
5. The benefits of free and compulsory education given to European children are denied to Indians.
6. No technical or industrial education is given to Indians.
7. An Indian desiring to enter the Natal University College to study medicine was refused admission, merely because he was an Indian.
8. No Training Schools exist to prepare Indians to take up the teaching profession.
9. An Indian named B. Romer applied to the Natal Supreme Court for admission as a Candidate Attorney. The Law Society opposed his application on the ground that as the applicant being an Indian, will not have access to the University to go through the course of Law Lectures to enable him to qualify for the profession. The case has been postponed for further consideration...

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consideration.

10. The Cape Art School as well as those in other provinces is closed to non-Europeans.

The Indian Community requires a complete revision of the system of education as applied to Indians now, and instead of throttling the desire of the community for better and improved facilities for education, the Government should shew a generous spirit towards improving Indian education in all its branches.

Repeated requests have been made to the Provincial Authorities which control education to advance the cause of education, but nothing can move them to give favourable consideration to the desires of the community.

ECONOMIC CONDITION OF THE INDIAN COMMUNITY.

In this regard we submit, that the tendency of legislation in the Union since the termination of the Great War, has been to reserve all skilled and semi-skilled industries to the exclusive employment of Europeans. This tendency has culminated in the passing of the Mines and Works Amendment Act of 1926, commonly known as the Colour Bar Act. The passing of this Act places for the first time on the Statute Book of the country a statutory Colour Bar. This Act we submit is the most retrogressive piece of legislation that has ever been passed by a civilised country in modern times to repress the natural and progressive advancement of a community that has no voice in the legislature of the country.

The Act gives powers to the Governor General-in-Council which if fully exercised will not leave a single industry requiring skilled or semi-skilled labour in which Indians could be employed, as this Law bars them from obtaining a certificate of competency on account of their race. We give below a table of figures as supplied to us by the Director of Census, giving the number of Indians employed in the various industries in the Cape, Natal and Transvaal Provinces.

AVERAGE NUMBER OF ASIATICS EMPLOYED IN CONNECTION
WITH EACH CLASS OF INDUSTRY IN THE CAPE, NATAL
AND TRANSVAAL PROVINCES FOR THE YEAR 1924-25.

Class	Private Firms						Government, Municipal & Rlwy.					
	Cape		Natal		Transvaal		Cape		Natal		Transvaal	
	M.	F.	M.	F.	M.F.M.	M.	F.	M.	F.	M.	F.	
1. 7	-		185	40	7	-	-	-	-	-	-	-
2. 1	-		411	2	7	-	-	-	-	-	-	-
3. 31	2		425	81	-	-	5	-	-	-	-	-
4. 6	1		492	-	11	-	169	-	-	1	-	-
5. 27	7		4,137	389	28	-	-	-	-	-	-	-
6. 213	22		596	14	135	7	-	39	21	-	-	-
7. 7	-		333	-	2	-	-	-	-	-	-	-
8. 5	-		56	-	2	-	7	-	-	-	-	-
9. -	-		15	-	-	-	4	-	-	-	-	-
10. 16	1		422	1	23	-	-	-	-	1	-	-
11. 3	-		710	60	5	-	-	-	-	-	-	-
12. -	-		-	-	-	-	-	-	-	-	-	-
13. -	-		17	-	-	-	-	-	-	-	-	-
14. 2	-		101	-	3	1	-	70	-	-	-	-
15. 18	-		178	-	2	-	-	-	-	-	-	-
16. 54	-		32	-	-	-	-	543	94	-	-	-
17. -	-		15	-	-	-	-	-	-	-	-	-
18. 390	33		8,126	587	225	7	1	-	837	115	2	-

1. Treatment of Raw Material etc. 2. Process in stone &c. 3. Working in wood. 4. Metal engineering work &c. 5. Preparation of food &c. 6. Clothing and textile fabrics. 7. Books, paper printing &c. 8. Vehicles &c. 9. Ships and boats 10. Furniture &c. 11. Drugs, chemicals &c. 12. Surgical instruments &c. 13. Jewellery &c. 14. Heat light & power. 15. Leather and leather ware. 16. Building and contractors 17. Other industries.

The total number of Indians, both male and female employed in the different branches of industries is 10,332. The Colour Bar Act renders the existence of this number of people very precarious and places them in a state of insecurity. It can never be alleged, much less proved, that out of a total population of 161,239 the 10,322 employed in industries could be a menace to the security of the European Community, and to its standard of life, the more so when the population of that Community is 1,519,488. It is one of the strange and artificial anomalies of the Legislative tendencies of this country that such legislation is passed in spite of recommendations and findings of eminent economists, sitting as commission appointed by the Government, to enquire into the question of wages, employment, and their compatibility with the civilised standard of life.

The Economic Commission of 1914 observed as follows:

"Your commissioners are of opinion that there should be no legal barriers to prevent natives or others of the non-white population, from engaging in any work above the grade of unskilled".

The Economic Commission of 1925 speaking on the panic that was created in the country by the evidence of the Director of Census, as to there being no openings for European youths leaving schools, observes on page 101 paragraphs 173 and 174:-

"The condition of panic, which misunderstanding of the correct and careful statement in the Report on the Census excited over the perfectly normal process of absorbing an increase of the population into industry, deserves notice because it is typical of a misunderstanding of the normal processes of industrial development which we observed in other connections. Employment in the main is provided, not directly by Government action since Governments do not run most industries, but by the spontaneous development of industries to meet ascertain not anticipated wants. The existence of a want by itself is not sufficient to stimulate production to satisfy it; the person or community that feels it must also be able to back its demand by the offer of payment. The greater the means of payment at the disposal of a community, therefore the greater is power of demand, and therefore of the stimulus it can give to production.

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"The means of payment are obtained by producing and selling; the greater the production of a person or a community therefore the greater the stimulus he (or it) can give to production to others, and so to employment. Every increase in production, whether due to increased supply of labour, increased efficiency of workers, better organization or better equipment, increases the demand for labour; since the increased output has to be sold and the proceeds of the sale are spent. If we look below the surface of the monetary transactions through which business is carried on it is clear that the reality of industry is a co-operative production and exchange of goods and service. Every one who works or whose capital increases the capacity of industry contributes to the stream of goods and services on which all consumers draw. Anything that increases the volume of the stream increases the funds available for employment; anything that reduces it restricts them.

"These are the most elementary truisms of economics. We make no apology for restating them, because we met so frequently the notion - not clearly formulated but obviously the witness's attitude - that there was only a fixed amount of employment, so that if a native or a woman or a juvenile secured a job, there was one job less for white men, and that if the natives, or women or juveniles were excluded from some part of the field of employment, there would be more openings for white men. The fallacy of this view is obvious, if we consider that the native population increased by nearly 700,000 persons between 1911 and 1921, most of whom are now in some work or other, without causing any displacement of white workers who also increased in numbers".

On page 196 paragraph 64 of their conclusions and recommendations they say:-

"It appears to us that the Colour Bar Regulations when in force, have no important effect, and that the decision of the court that they were ultra vires has not made any significant difference to the actual practice of the mines"

The above observation and the findings of other commissions go to prove that the Indian is not a menace to the maintenance of civilized standard in the industries of the Union. If equal opportunities of obtaining education and employment are provided for the Indian community, and if the Trade Unions of the country, both for men and masters, allow Indians to become members of the respective Unions, then in that event it is the opinion of the Congress that no objection can be taken to the Wages Act and the Union Industrial Conciliation Act being applied to Indians. But as matters go at present these Acts are not seldom ...

as matters go at present these Acts are not seldom used as instruments whereby Indians are thrown out of employment, by raising the wages to a level which in the first place changes the whole basis on which an industry employing Indians has its foundation, and secondly employers being Europeans prefer to employ members of their own race unless it is a case of no choice.

So far as the operation of the Wages Act and Industrial Conciliation Act has been confined to industries and trades where the masters are wholly Europeans, but the time is not far distant when commercial workers and employers are brought under the operation of these Acts. In fact a movement is on foot to organise European shop assistants, and immediately these Unions are established in three of the large urban centres of the Union a federation will be the result, the formation of a National Board to determine rates of wages, conditions and hours of employment will follow, with the force of law confirming its actions under the above Acts.

As the members of the Delegation are aware, the prosperity of the Indian Community in Natal is to a large extent, and in the Transvaal and in the Cape in its entirety, dependent on commercial activities. The Deputation can well imagine how far-reaching and disastrous will be the effect on Indian store-keepers, merchants and their employees, unless they are allowed to have a voice in the decisions and findings in the National Boards. This can only come about when the Indian masters and men are allowed to join the respective Unions. In case it is maintained that Indians can form their own Unions, and make the necessary representations for recognition, apart from the objection to this procedure on principles, we beg to submit that such Unions could not possibly be recognised as the Law at present stands. In support of this contention we quote below the opinion of the Economic and Wage Commission of 1925 at Page 43, Paragraph 70. The Commission says:-

"The...

"The Industrial Act of 1924 contains, as we have mentioned, the provisions for the Registration and Regulation of Trade Unions and of Employers' Organisations. There is statutory obligation (Section 14 (2)) upon such bodies to apply for registration, and an obligation upon the Registrar to effect such registration if he is satisfied that the requirements of the Act have been complied with that the rules of the Applicant Associations are in accordance with Law and that there is no Trade Union or Employers Organization already registered under the Act, which is sufficiently representative of the interests concerned".

According to the Census figures of 1921 giving the occupation of the Indian population of the Union which we attach herewith for the information of the Delegation, there are 11,849 male Indians and 525 female Indians employed in commercial pursuits and the existence of this large number of Indians will become a very precarious and insecure one unless they are allowed to be a party to any arrangement that may be arrived at as regards the fixing of wages etc.

In brief, our views as regards the Economic condition of our people is that the Colour Bar Act which is a stigma to the honour of Indians as a race be repealed and that in the operation of all wages and Industrial Acts we be given equal opportunities and a share of representation, and above all education, industrially and otherwise, which is the basis of all advancement and progress, be not denied to us as is the case at present.

OCCUPATION OF THE INDIAN POPULATION OF THE UNION CENSUS 1921

Occupation	Cape		Natal		Transvaal		Orange Free State		Union	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Fishing	9	-	131	2	-	-	-	-	140	2
Agricultural	68	-	18,903	1,766	294	7	6	-	19,261	1,773
Industrial	359	13	6,326	134	513	8	3	-	7,206	155
Transport & Communication	471	-	2,918	21	58	-	1	-	3,448	21
Commercial	2,273	64	5,304	496	4,269	55	3	-	11,849	525
Public Administration & Defence	13	-	261	-	9	-	-	-	283	-
Professional	24	-	304	72	57	-	-	-	445	72
Non-Productive	732	802	7,099	2,889	1,458	2,002	29	11	9,318	3,070
Indefinite	67	10	7,486	613	120	4	-	-	7,673	627

IMMIGRATION.

Act No.22 of 1913 controls Immigration into the Union and so far as Indians are concerned they as a community are declared by the Minister as prohibited immigrants and unsuited to the requirements of the Union on economic grounds.

The complaint of the Indian Community is not so much against the Act itself but against the administration of the Act. The provisions of the act are administered unsympathetically and arbitrarily, especially towards Indians, thereby subjecting them to indignities and unnecessary trouble and expense.

Some of the disabilities under which the Indians suffer may be mentioned here:-

- (1) The Appeal Boards in many cases are comprised of men who have no legal training and experience, and grave injustice is done to the appellants in that reasons for prohibition are only given to them, after appeal had been lodged and just at the time of hearing.
- (2) That the form of application required to be filled in by an Indian desiring to make a temporary visit overseas is intricate and irksome, and any discrepancy in facts owing to lack of memory renders him liable to be declared a prohibited immigrant.
- (3) That although documentary evidence is supplied from high official sources in India as to the proof of relationship of a wife or child under the age of 16 years, as the case may be, of an Indian domiciled in the Union to enter South Africa, the entrants are subjected to further examination on arrival, and in some cases reports of X-Ray experts are asked by the Immigration Officers to prove the correctness of the age of the minor child. The unreliability of the test can be shown by the fact that an expert's findings of the age of a child born in the Union considerably disagreed with the age shown on the birth certificate.
- (4) That although provision is made for legalisation of Indian marriages under the Relief Act 1914, yet no recognition of the divorce laws, according to their religious tenets is given and consequently Indians, who have divorced their wives, are not allowed to bring into the Union the wives they have subsequently married in India.

We ask that the following redress be given in the Administration of the Immigration Laws:-

(a)...

- (a) That the deposit of £10 for inter-provincial visits be dispensed with wherever the Immigration Officer is satisfied with the educational, commercial professional or social standing of the applicant.
- (b) That the form D.I.7 with the elimination of the requirements on the back thereof be used in the case of applicants who have already filled in D.I.90 form and to whom a certificate of identity has already been issued. That the form in the Transvaal with regard to the issue of certificates registration of otherwise be simplified and unnecessary questions be avoided.
- (c) That a Certificate of Identity if once granted to an Indian should remain in his possession, and be his property like the Domicile Certificate issued under the now repealed Natal Immigration Restriction Acts, as conclusive evidence of his domicile.
- (d) That the Government of India dispense with Certificate of Identity required by it in lieu of passports, as a war measure, as the continuance of such a demand is not justified, and is a source of trouble to Indians, and that such certificate should not be demanded by India of its own nationals.
- (e) That the time within which to appeal against the decision of an Immigration Officer be extended from three to seven days in the discretion of the Immigration Officer in the event of the ship not leaving at the date on which it was expected to leave, when the time limit to appeal was fixed by the Immigration Officer.
- (f) That the Immigrants' Appeal Board should, in view of the jurisdiction of the Courts being ousted, be constituted of men of legal training and experience in fairness to applicants, and that an appeal from the Immigrant Appeal Board be allowed to the Supreme Court both on facts and law.
- (g) That in view of the liberty of the subject being affected in Immigration cases, sittings of the Board should take place in the Courthouse and every facility afforded for the attendance of the public.
- (h) That the Form D.I.91, if certified by an Indian authority be accepted by the Immigration Officers as conclusive proof of the relationship of the wife or children as the case may be of the Indian, who seeks their entry into the Union.
- (i) That when an immigrant is unable to find bail, he or she be detained and not be deported and be given an opportunity to take the order of prohibition before the Immigrants Appeal Board, without being required to find either bail or appeal or other fees in view of the liberty of the subject being at stake. That the appeal fee be reduced to such a sum as is usually found to cover the cost of the appeal before the Immigrants Appeal Board.
- (j) That women examiners to the Immigration Department be appointed to meet the religious susceptibilities of Indians in regard to their women. That proper waiting rooms be provided for men and women in the Immigration

Offices...

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offices.

- (k) That in regard to the issue of Transit Permits, Immigration Officers be instructed to exercise their discretion in the extension of such permits on reasonable grounds being shewn and not on medical grounds alone.
- (l) That the dual domiciliary rights enjoyed by Indians should not be interfered with.
- (m) That the Indian Relief Act be amended so as to legalise the Divorce Laws as laid down by the Religious Tenets of Indians and the word "woman" appearing in sub-section 2 section 3 of the Relief Act be altered to read "wife" as defined therein.
- (n) Privileged documents in possession of Immigration Officers used in the matter of an appeal should be disclosed on application.
- (o) That qualified and competent interpreters in the Indian languages be provided in the Department of the Principal Immigration Officers.
- (p) Inspection of Indians returning to the Transvaal via Delagoa Bay should take place on board ~~the ship~~ ^{the train} and not at the Komatie Poort border as the present procedure of detaining them there for that purpose is both inconvenient and harassing to Indians, their wives and children.
- (q) Holders of letters of exemption in the Transvaal and their wives and children should be treated in the same way as the holders of registration certificates and should enjoy all rights enjoyed by the latter, and should not be bound to any conditions respecting their entry into any Province.

COMMERCIAL MORALITY OF INDIANS.

We dealt with this aspect of the question in our statement to the Paddison Deputation, and also supplied statistical figures to disprove the allegation by rival and interested European shop-keepers that commercial morality among Indians is lacking. We should again like to make a reference to this question, in view of the mis-statement of figures quoted by Mr. Marwick in paragraphs 2706 and 2908 in the Select Committee's Report, wherein examining the members of the Deputation he asserted that in the figures of insolvencies for the year 1921 there were 26 Asiatic insolvencies out of 32. The accuracy of these figures is disproved by a quotation from the statistics relating to European...

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European and Asiatic insolvencies in Natal for the year 1921.

The European figures were:-

<u>Voluntary Surrender</u>	<u>Compulsory Sequestrations</u>	<u>Assignments</u>	<u>Liabilities</u>	<u>Assets</u>
32	37	3	£386,828	£275,776

The Asiatic figures were:

12	13	-	£97,246	£50,724
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A comparison of these figures will shew that whereas the number of European insolvencies was 72, the number of Indian insolvencies was 25.

A reference to the sub-joined statement of European and Indian insolvencies in Cape, Natal and Transvaal Provinces for the year 1925, and for the first six months of the year 1926 will prove that the figures in themselves are a refutation of the allegation of bad business morals of the Indian trading community.

STATEMENT SHOWING THE NUMBER OF EUROPEANS AND ASIATIC INSOLVENCIES
IN THE CAPE, NATAL AND TRANSVAAL PROVINCES DURING THE YEAR 1925
AND THE FIRST SIX MONTHS OF 1926.

Year	Province	EUROPEAN					ASIATIC					
		Voluntary Surrenders	Compulsory Sequestra- tions	Assign- ments	Total	Liabili- ties	Assets	Voluntary Surrenders	Compul- sory Se- questra- tions	Assign- ments	Total	Liabil- ities
1925	Cape	242	158	36	436	£ 1,644,379	830,971	7	16	3	26 28063	£ 18,503
	Natal	39	24	4	67	148,548	95,353	7	15	-	22 31835	22,847
	Trans- vaal (5)	171	387	44	602	845,414	556,537	4	39	3	46 47006	36,736
1926	Cape	87	35	5	127	230,354	129,765	6	6	1	13 16425	14,042
	Jan. Natal	17	13	-	35	97,208	75,563	1	12	3	16 35748	26,920
	June Trans- vaal (6)	84	166	25	269	326,937	197,087	5	12	7	24 24696	17,474

(5) Includes 95 cases in which Liabilities and Assets were not specified

(6) " 41 " " " " " " " " " "

In Natal, Indians enjoyed Parliamentary Franchise, which was taken away from them by Act No.8 of 1896. They also enjoyed Municipal Franchise in Boroughs and Townships until recently, as owners and renters of property. This Franchise has also been taken away.

Section 13 of the Boroughs Ordinance lays down the qualifications of a voter:-

"13 (1) Every person male or female:-

- (a) Who is owner of rateable property within any ward of the Borough of assessed value of £50, or
- (b) Who has occupied for a continuous period of 3 months the time lastly prior to the 1st day of June in the current year any rateable property within any ward of the Borough of gross annual value of £10, and who, being a male, is entitled to be registered as a Parliamentary voter, or being a female, would be entitled to be so registered, if she were a male, shall be entitled to be enrolled as a Burgess and to vote at the election of councillors for such ward as aforesaid subject to the qualifications hereinafter stated.

Provided, however, that no person who at the first day of July 1924, was enrolled as a Burgess of any Borough shall be disqualified for or disentitled to such enrolment at that Borough merely by reason of not being a British subject, or for non-compliance with the foregoing provision in regard to Parliamentary qualifications"

It will be observed from the proviso, that Indian voters who are enrolled as Burgesses at first day of July 1924 are protected from the disqualifications, which would otherwise debar them from having a vote.

In view of the clear terms of Act No.8 of 1896, which disentitles an Indian to register as a Parliamentary voter, he is, ipso facto, debarred, although otherwise qualified, from becoming a voter in a Municipality or Township. The effect of this measure is to exclude at all times any further or fresh names of Indians being placed on the voter's roll, regardless of his rights as owner or renter of property.

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In this way the status of Indians has further been lowered. A reference to the statistics supplied to the Paddison Deputation will show the value of property owned by Indians in Natal. In Durban, Indians own property to the value of £1,300,000. In other Municipalities and Townships, Indians own properties to a considerable value. Although as owners they are required to pay rates assessed by Municipalities, and conform to laws applicable to them, yet they are given no voice or say in the affairs of such Municipalities. The principle of no taxation without representation is not only completely ignored, but on the other hand, all canons of the British Constitution are abused by imposing taxation, but excluding representation. The legality of the provisions affecting the Municipal Franchise hitherto enjoyed is being tested by the Natal Indian Congress. The Supreme Court of Natal in the case of S.W. Abrahams vs. the Town Council of Durban gave an adverse decision, but the matter is being taken further on appeal to the Appellate Court of South Africa, TRANSVAAL.

Indians in this Province neither have Parliamentary nor Municipal Franchise.

CAPT.

Indians in this Province enjoy both Municipal and Parliamentary Franchise. The only colour line against them is the disqualification to sit in Parliament. In other respects Indians, as well as the coloured population, are given the right and benefit of public institutions.

We respectfully urge that in the case of Natal the Municipal Franchise be restored to Indians in the Transvaal Province this Franchise be extended to Indians, and in the Cape Province, both the Municipal and Parliamentary Franchise enjoyed by Indians be entrenched and safeguarded, and the spirit of the Union Act maintained in this regard.

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REQUIREMENTS OF THE INDIAN COMMUNITY.

The grievances and disabilities under which the Indian Community labours may be divided into two heads, namely:

- (1) Legislative, and
- (2) Administrative.

Those that require Legislative action may be grouped as follows:

- (1) The restoration to us of all rights taken away since the Gandhi-Smuts settlement of 1914.
- (2) The repeal of the provisions of the law relating to unalienated land in Municipal and Township areas in Natal.
- (3) The restoration of Municipal Franchise to Indians in Natal and the extension of the said Franchise based on property and rental qualifications to Indians in the Transvaal.
- (4) The repeal of Law 3 of 1885 removing all disabilities it imposes upon the Indian Community in the Transvaal, and the repeal of Sections 130 and 131 of No.34 of 1908 (Gold Law).
- (5) The repeal of Law No.37 of 1919 making the ownership of land by Indian Limited Liability Company legal.
- (6) The right of appeal, whether on merits or on question of facts, in all licensing cases to Superior Courts.
- (7) A thorough revision of the system of education given to Indians to meet the wishes of the Indian Community as set forth in this statement.
- (8) The law relating to the payment of witness fees in law courts of the Union be so amended as to allow fees paid to Indians to be placed on the same footing as Europeans and that no differentiation be made based on the racial grounds, but on the status of witnesses.
- (9) (a) That in view of the stoppage of the system of Indian indenture to Natal, there exists no necessity for a continuation of the Indian Immigration Laws, which regulate and control such system. It is therefore asked that all such...

such laws be repealed so that Indians as British subjects may come under the ordinary laws of the country.

(b) The immediate repeal of the provision of Indian Immigration laws which impose a tax of 1/6d per month per employee on employers of Indian labour as medical fees. There exists no necessity for a continuance of this imposition, as Indians who are entitled to take advantage under it, are becoming more and more Colonial-born in character and therefore do not seek the benefits of medical aid provided under the law. Moreover it is a stigma on the Indians and puts his employer to considerable inconvenience and expense in complying with the law.

(c) That the office of the Immigration Trust Board be abolished as it is no longer necessary to maintain such a Department, in view of the complete stoppage of the indentured labour to Natal, and that all monies accumulated and paid into the Trust Funds under the provisions of the Indian Immigration laws be utilised to promote and further Indian education, as the purposes for which the trust was created to administer the funds no longer exist.

(10) The repeal of Act 36 of 1908 Transvaal in so far as it relates to issue of registration certificates to Indian residents in the Transvaal as it is degrading to Indians to carry registration certificates with them.

(11) The amendment to Act 35 of 1908 Transvaal known as the Gold Law which debars Indian goldsmiths from conducting their legitimate calling in the Transvaal.

(12) Necessary amendments to both the Immigrants Regulation Act No.23 of 1913 and Relief Act No.22 of 1914 affording relief on points mentioned in this statement under heading "Immigration".

(13) The extension of political franchise wherever it is denied to Indians.

Those that require administrative and sympathetic treatment may be grouped as follows:

- (1) The administration in a just manner of the provisions of the Immigrants Regulation Act No.22 of 1913 and the Regulations framed thereunder with a view to the removal of hardships and complaints as fully detailed in this statement under heading "Immigration".
- (2) The withdrawal of all differential treatment based on colour and race under the Railway laws of the country meted out to Indians in trains, platforms, waiting rooms etc.
- (3) The removal of colour bar placed on Indians in Post Offices, Law Courts and other public institutions.
- (4) In view of the fact that Indian interpreters are expected to qualify themselves in several languages to assist in the administration of justice, the scale of salary fixed by the Government for them is inadequate and beggarly, and is in direct disregard of the recommendations made by the Public Service Commission. Fair and reasonable remuneration should be paid to interpreters to live in decency and comfort consistent with their position.

CONCLUSION.

We again in conclusion, desire to tender you our heartfelt thanks for the kindness you have shown us and for the sympathetic manner in which you have listened to our case.

We hardly think that in the treatment of the Indian problem in the Union one is able within so short a time at one's disposal, to go over fully the wide ground it covers. However, we hope we have given you in this statement sufficient material brought up to date as far as possible, a study of which in the light of your knowledge and experience you are able to bring to bear upon the problem, will be profitable, and will indicate to you the wishes so heartily cherished by the community.

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We desire to state that if any further information is required, or points contained in this statement elucidated, we shall only be too pleased to do so.

We beg to remain,

S i r s,

Your obedient Servants,

(Signed) J. W. Godfrey

Deputy President.

(Signed) A. I. Kaje

Headquarters
Durban, Natal.

Hon. General Secretary
SOUTH AFRICAN INDIAN CONGRESS.

7, Buitencingle,

CAPE TOWN.

23rd December 1926.

24/6/26.

APPEAL - S. BHAYLA vs. TOWN COUNCIL, ESTCOURT.

Carter J. I was inclined to regard this case at first as very near the border line, if not almost on the border, but I have been reminded, during the course of the argument, by my brother Tatham, that this licence granted to a person is, after all, as the law stands, a privilege, and this lady held her licence apparently by way of a privilege allowed by the Licensing Officer. Then the Licensing Officer refused her licence after she had held it for many years, and it would appear that the refusal was based on the ground that this lady had not paid the dues which it is said she should have paid to the Town Council of Estcourt. At first sight it would appear that it was somewhat harsh for Licensing Officer, who happens to be the Town Treasurer and Town Clerk and holds other offices as well, that because of the knowledge that he had as Town Clerk and Town Treasurer he should say as Licensing Officer "Well, you had trouble with my employers the Town Council, and you have not paid your rates or the dues which are eligible, and therefore I will not grant you a renewal of this Licence". That does appear to one's mind to be inequitable. If this lady had committed an offence against the bye-laws there is a ready remedy for that, by prosecuting her or by proceeding against her according to the law, if she had broken any contract. As I say, it appears at first sight that to proceed in the way as the Licensing Officer did was not equitable, but that does not help the appellant so long as the decision in the case of Shiddick vs. Union Government, Minister of the Interior (1912 A.D. 642) stands. That was decided as far back as 1912 in respect of the prohibition of a person being in the country, a very serious matter, it was there said by Innes A.C.J. at p.651 "There are circumstances in which interference would be possible and right" that is as regards the exercise of discretion by the Minister of the Interior". If for instance, such an officer had acted mala fide, or from ulterior and improper motives if he had not applied his mind on the matter or exercised his discretion at all or if he had disregarded the express provisions of a statute - in such cases the Court might grant relief. But - "this is the strong part of the decision" it would be unable to interfere with a due and honest exercise of discretion, even if it considered the decision inequitable or wrong". I may think that the Licensing Officer's action is inequitable but so long as he did exercise his discretion, so long as it is not shown that he acted mala fide or from ulterior or improper motives, so long as it is not shown that he did not apply his mind to the matter or exercise his discretion at all, I am afraid that the appellant here has no remedy against the actions which he complains of, and therefore I think the appeal should fail.

Matthews J: I agree that this is a matter in which the Court cannot interfere. The facts are perfectly simple and undisputed. The appellant had held a licence to carry on the business of a baker and confectioner within the Borough of Estcourt. She supplied, at the end of last year for the renewal of that licence. On the 15th December last there was sent to her a letter from the Licensing Officer, the material paragraphs of which I will read. The Licensing Officer said: 'Please take notice that I shall require you to shew cause why your application for the renewal of your baker and confectioner's licence shall not be refused as in respect of the year 1926, generally upon the following grounds, that is to say: (a) That you are illegally using filtered water from the Corporation Mains without authority of the Town Council, for the purpose of your business, alternatively (b) that you are using water for such purposes obtained from sources, not to the satisfaction of the Sanitary Inspector'.

She received that letter and a further letter was sent to her on the 29th January, in which the Licensing Officer pointed out that the 29th January was the day appointed for the hearing of her application for a renewal of the licence, and drawing attention to the letter of the 15th December. The applicant duly appeared in person before the

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The Licensing Officer. She admitted that she was using Corporation water in respect of her bakery business, but alleged that there was a dispute as to the amount payable. It appears clear from the letter and other documents that the appellant had paid water rates or charges in respect of the year 1923 at an agreed figure, in terms of the bye-laws, which appear to provide that persons using water for business purposes must pay at a stipulated rate. She was in arrear from the 1st January 1924 and therefore was two years in arrear at the end of 1926 with regard to payment for the water. At the hearing of the applicant's application for a renewal on the 29th January the Licensing Officer appears to have considered the application and reserved his decision, and on the 5th February he wrote to the applicant and stated that as the difficulties confronting him (as stated in his letter of the 5th December 1925) had not been met, he had therefore no alternative but to advise her that her application for a renewal of her licence had been refused. The appellant appealed to the Town Council as Licensing Board which dismissed the appeal at a special meeting called for the purpose of considering the appeal. The question we now have to consider is whether on these facts the Licensing Officer can be said to have exercised the discretion vested in him by law of considering applications for the renewal of trading licences, and if he did so exercise it, whether it can be said that he exercised it unfairly or improperly. There has been a long series of decision in this Court, to which Mr. Horwood had to-day drawn attention, and which indicate first under Act 18 of 1897, with regard to application for new licences or transfers of licences afterwards under Act 22 of 1909 in the case of appeals to this Court from decisions upon applications for renewals of existing licences that this Court will not interfere with the decision of the licensing Appeal Board, or with the administrative discretion of the licensing Officer unless it can be shown that that discretion has not been properly and fairly exercised. Apparently the test of what is a proper and fair exercise is whether there has been mala fides on his part corruption fraud, or possibly whether the licensing authority has acted arbitrarily or capriciously. Now the facts in this case in my mind indicate that a discretion was exercised by the Licensing Officer in dealing with the appellant's application for a renewal. It may possibly be that if this Court had had to deal with the matter in the first instance, it might have taken a different view from that taken by the Licensing Officer as to the fitness of this applicant to hold a bakery licence, notwithstanding that she may have been acting illegally in refusing to pay her water charges. But we are only concerned as to whether the licensing Officer did in fact exercise a discretion and whether he exercised it in good faith and fairly properly, and applied his mind to the question of the applicant's fitness. As was pointed out in the case of Shiddick vs. The Union Government (1912 A.D. at p 651) "where a matter is left to the discretion or the determination of a public officer, and where his discretion has been bona fide exercised or his judgment bona fide expressed the Court will not interfere with the result. Not being a judicial functionary no appeal, or review in the ordinary sense would lie; and if he has duly and honestly applied himself to the question which has been left to his discretion it is impossible for the Court of Law either to make him change his mind or to substitute its conclusion for his own.. There are circumstances in which interference would possible and right. If for instance such an officer had acted mala fide or from ulterior and improper motives, he had not applied his mind to the matter or exercised his discretion at all or if he had disregarded the express provision of a statute, in such cases the Court might grant relief. But it would be unable to interfere with a due and honest exercise of discretion even if it considered the decision iniquitable or wrong" Now we are asked by Mr. Janion to say that by reason of the fact that the Licensing Officer happened also to be Town Clerk and Town Treasurer and therefore knew something about this matter in another capacity that he must have been influenced by ulterior motives, and that therefore he could not exercise a discretion.

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The answer to that is that he gave the appellant notice of what objections she would have to meet; the evidence was properly taken he considered the evidence and he took time to consider his decision. In the end he said in effect "in view of the fact that you are contumacious by refusing to pay your use of the corporation waters and in view of the fact that such use is for the purposes of a business which you desire to have licensed I cannot regard you as fit and proper person to hold a licence". Now although the Licensing Officer's reasons may not be such as this Court would have regarded as adequate for refusal if this were an appeal on the merits we cannot say that those reasons indicate mala fides caprice or a decision based on ulterior motives, or a refusal to consider the application fairly and properly. We are therefore concluded by the authorities cited to-day by Mr. Horwood from interfering with the Licensing Officer's decision, and the appeal must be dismissed.

TATHAM J: I agree I would like however to add, that I have not lost sight of the fact that Shiddick's case was decided upon a statute which did not give to courts of law express jurisdiction to interfere with the decision of the administrative officer concerned whereas in the case now before us Act 22 of 1909 does vest in this Court jurisdiction to hear an appeal from that decision. We have decided that the effect of the Act of 1909 was to modify the absolute of jurisdiction contained in the original Act 18 of 1897 in cases of renewals of Licenses. But we have also decided that the effect of the Act of 1909 was not to transfer to this Court from the Officer to whose discretion the granting of licence was confided by the Act of 1897 the duty of performing his administrative act but to give to the Supreme Court the power of interfering in cases where the Licensing Officer has either refused to exercise his discretion or has exercised it in a manner which this court would not countenance. That is the effect of the decisions to which our attention has been drawn by Mr. Horwood applying those decisions I am of opinion in the circumstances of this case, that we are not justified in interfering with the decision which the licensing officer and the Town Council have come to.

CARTER J: The appeal will be dismissed with costs.

SUPREME COURT : APPELLATE DIVISION.

SOPHIA BHAYLA vs Licensing Officer for Estcourt.
-----JUDGMENTInnes C.J.

The Appellant, who had for some years held a baker's and confectioner's licence from the Town Council of Estcourt, applied in December 1925 to the local licensing officer for a renewal. That officer also held the positions of Town Clerk and Town Treasurer. There had been a dispute between the applicant and the Council as to the payment of water rates and she appears to have been considerably in arrear. Of these facts the licensing officer by reason of his multifarious activities was cognisant. He notified her, therefore, that she would have to show cause why her application should not be refused upon the ground that she was either using for her business purposes water from the corporation mains without authority, or was obtaining it from other sources not satisfactory to the Sanitary Inspector. She appeared before him and admitted that she was using corporation water for her bakery, but stated that there was a dispute as to the amount payable. In the result he refused her application. She appealed to the Town Council but that body upheld the licensing officer. The matter was then taken to the Provincial Division which refused to interfere. And special leave is now sought to appeal against that refusal.

Now the consideration of applications for trading licences and the issue of such licences, are in essence administrative matters. And such rights of appeal as exist from the decision of a licensing officer are governed by statute. An appeal lies in all cases to the local authority; and a further appeal to the Provincial Division when the application is for the renewal of a licence. But it was held in Durban Chamber of Commerce vs Malcommes & Co. (1917 a.d. p.577) that the decision of the Provincial Division was in all such cases final. Notwithstanding that ruling, however, we are asked by Mr. Janion to exercise our inherent right to grant leave to appeal in cases outside the special provisions of the South Africa Act, a right which we have repeatedly stated would only be exercised where it appeared that, by a disregard of the forms of legal process, or by some violation of the principles of natural justice, or otherwise, substantial and gross injustice had been done. The contention is that the licensing officer acted capriciously and in disregard of the principles of natural justice by not applying his mind to the merits of the application, and by refusing it on grounds which were irrelevant to the issue before him, and which shewed that his decision was influenced by his own official interests. In the result, it was suggested, grave injustice had been done.

It will be observed that the alleged irregularities were the irregularities, not of the tribunal who order it sought to challenge, but of the Licensing Officer, upon an appeal from whose decision the finding of the Provincial Division is conclusive. The complaint against that Division is not that it acted irregularly or capriciously, but that it refused to interfere when it should have done so. A brief reference to the statutes will elucidate the position. The effect of the relevant clauses of Act 18 of 1897 and Act 22 of 1909 may be thus stated:-

A licensing Officer shall have a discretion to issue or refuse

...

a licence the exercise of which shall not be liable of review reversal or alteration by any Court of Law, save in the manner and by the Courts specially particularised as follows:

- (a) An appeal shall lie in all cases from the Licensing Officer to the Town Council or Divisional Board which may direct that the Licence which is the subject of appeal be issued or cancelled; and
- (b) where the application is for a renewal an appeal may be made against the decision of the local authority to the Provincial Division or the Circuit Court, which may order that the renewal be granted or not granted, or may remit the matter for re-hearing.

So that the Superior Court, in regard to an appeal duly before it, is given the same power as the local authority. Its jurisdiction is not confined to setting aside irregular proceedings and ordering a re-hearing; it may deal directly with the application itself. The Provincial Division has decided however, that its statutory appellate jurisdiction only justifies an interference in cases when it is of opinion that the administrative discretion has not been exercised either duly or at all; and that in dealing with appeals it should follow the rule laid down in Shiddick v. Union Government (1912 A.L. p 652). In other words, that its appellate authority enables it to do no more than it might have done without such authority. A startling result indeed. But unless we are entitled to adjudicate upon the matter it is not desirable to pronounce upon its correctness. And neither under our express or under our inherent jurisdiction are we entitled to this. The Statute excludes the interference of any Court save those tribunals upon whom appellate jurisdiction is expressly conferred. As was pointed out in Durban Chamber of Commerce vs. Malcomms & Co. the decision of the Provincial Division is invested with finality. And that being so, we cannot destroy the quality which the legislature has seen fit to confer upon it. The real difficulty in the way of the applicant is not that the matter falls outside the provisions of section 105 of the South Africa Act, but that the decision which she challenges is a final decision. It was laid down in Bohrs vs New march (1915 A.L. p 108) That this Court was precluded from granting special leave under its inherent jurisdiction in a case where the decision complained of had by the Legislature been invested with finality. That ruling is of decisive application here. However important the matter at issue may be the Legislature has seen fit to exclude it from the consideration of any Court of law, save the Court specified in the statute. And we cannot by granting leave assume an appellate jurisdiction which we do not possess

The application must therefore be refused.

(SGD.) J. Rose Innes

Chief Justice.

24/6/26.

APPEAL - S. BHAYLA vs. TOWN COUNCIL, ESTCOURT.

Carter J. I was inclined to regard this case at first as very near the border line, if not almost on the border, but I have been reminded, during the course of the argument, by my brother Tatham, that this licence granted to a person is, after all, as the law stands, a privilege, and this lady held her licence apparently by way of a privilege allowed by the Licensing Officer. Then the Licensing Officer refused her licence after she had held it for many years, and it would appear that the refusal was based on the ground that this lady had not paid the dues which it is said she should have paid to the Town Council of Estcourt. At first sight it would appear that it was somewhat harsh for Licensing Officer, who happens to be the Town Treasurer and Town Clerk and holds other offices as well, that because of the knowledge that he had as Town Clerk and Town Treasurer he should say as Licensing Officer "Well, you had trouble with my employers the Town Council, and you have not paid your rates or the dues which are eligible, and therefore I will not grant you a renewal of this licence". That does appear to one's mind to be inequitable. If this lady had committed an offence against the bye-laws there is a ready remedy for that, by prosecuting her or by proceeding against her according to the law, if she had broken any contract. As I say, it appears at first sight that to proceed in the way as the Licensing Officer did was not equitable, but that does not help the appellant so long as the decision in the case of Shiddick vs. Union Government, Minister of the Interior (1912 A.D. 642) stands. That was decided as far back as 1912 in respect of the prohibition of a person being in the country, a very serious matter, it was there said by Innes A.C.J. at p.651 "There are circumstances in which interference would be possible and right" that is as regards the exercise of discretion by the Minister of the Interior. If for instance, such an officer had acted mala fide, or from ulterior and improper motives if he had not applied his mind to the matter or exercised his discretion at all or if he had disregarded the express provisions of a statute - in such cases the Court might grant relief. But - "this is the strong part of the decision" it would be unable to interfere with a due and honest exercise of discretion, even if it considered the decision inequitable or wrong". I may think that the Licensing Officer's action is inequitable but so long as he did exercise his discretion, so long as it is not shown that he acted mala fide or from ulterior or improper motives, so long as it is not shown that he did not apply his mind to the matter or exercise his discretion at all, I am afraid that the appellant here has no remedy against the actions which he complains of, and therefore I think the appeal should fail.

Matthews J: I agree that this is a matter in which the Court cannot interfere. The facts are perfectly simple and undisputed. The appellant had held a licence to carry on the business of a baker and confectioner within the Borough of Estcourt. She supplied, at the end of last year for the renewal of that licence. On the 15th December last there was sent to her a letter from the Licensing Officer, the material paragraphs of which I will read. The Licensing Officer said: "Please take notice that I shall require you to shew cause why your application for the renewal of your baker and confectioner's licence shall not be refused as in respect of the year 1926, generally upon the following grounds, that is to say: (a) That you are illegally using filtered water from the Corporation Mains without authority of the Town Council, for the purpose of your business, alternatively (b) that you are using water for such purposes obtained from sources, not to the satisfaction of the Sanitary Inspector".

She received that letter and a further letter was sent to her on the 29th January, in which the Licensing Officer pointed out that the 29th January was the day appointed for the hearing of her application for a renewal of the licence, and drawing attention to the letter of the 15th December. The applicant duly appeared in person before the

the Licensing Officer. She admitted that she was using Corporation water in respect of her bakery business, but alleged that there was a dispute as to the amount payable. It appears clear from the letter and other documents that the appellant had paid water rates or charges in respect of the year 1923 at an agreed figure, in terms of the bye-laws, which appear to provide that persons using water for business purposes must pay at a stipulated rate. She was in arrear from the 1st January 1924 and therefore was two years in arrear at the end of 1926 with regard to payment for the water. At the hearing of the applicant's application for a renewal on the 29th January the Licensing Officer appears to have considered the application and reserved his decision, and on the 5th February he wrote to the applicant and stated that as the difficulties confronting him (as stated in his letter of the 5th December 1925) had not been met, he had therefore no alternative but to advise her that her application for a renewal of her licence had been refused. The appellant appealed to the Town Council as Licensing Board which dismissed the appeal at a special meeting called for the purpose of considering the appeal. The question we now have to consider is whether on these facts the Licensing Officer can be said to have exercised the discretion vested in him by law of considering applications for the renewal of trading licences, and if he did so exercise it, whether it can be said that he exercised it unfairly or improperly. There has been a long series of decisions in this Court, to which Mr. Horwood had to-day drawn attention, and which indicate first under Act 18 of 1897, with regard to application for new licences or transfers of licences afterwards under Act 22 of 1909 in the case of appeals to this Court from decisions upon applications for renewals of existing licences that this Court will not interfere with the decision of the licensing Appeal Board, or with the administrative discretion of the licensing Officer unless it can be shown that that discretion has not been properly and fairly exercised. Apparently the test of what is a proper and fair exercise is whether there has been mala fides on his part corruption fraud, or possibly whether the licensing authority has acted arbitrarily or capriciously. Now the facts in this case in my mind indicate that a discretion was exercised by the Licensing Officer in dealing with the appellant's application for a renewal. It may possibly be that if this Court had had to deal with the matter in the first instance, it might have taken a different view from that taken by the Licensing Officer as to the fitness of this applicant to hold a bakery licence, notwithstanding that she may have been acting illegally in refusing to pay her water charges. But we are only concerned as to whether the licensing Officer did in fact exercise a discretion and whether he exercised it in good faith and fairly properly, and apply his mind to the question of the applicant's fitness. As was pointed out in the case of Shiddick vs. The Union Government (1912 A.D. at p 651) "where a matter is left to the discretion or the determination of a public officer, and where his discretion has been bona fide exercised or his judgment bona fide expressed the Court will not interfere with the result. Not being a judicial functionary no appeal, or review in the ordinary sense would lie; and if he has duly and honestly applied himself to the question which has been left to his discretion it is impossible for the Court of Law either to make him change his mind or to substitute its conclusion for his own. There are circumstances in which interference would be possible and right. If for instance such an officer had acted mala fide or from ulterior and improper motives, he had not applied his mind to the matter or exercised his discretion at all or if he had disregarded the express provision of a statute, in such cases the Court might grant relief. But it would be unable to interfere with a due and honest exercise of discretion even if it considered the decision inequitable or wrong." Now we are asked by Mr. Janion to say that by reason of the fact that the Licensing Officer happened also to be Town Clerk and Town Treasurer and therefore knew something about this matter in another capacity that he must have been influenced by ulterior motives, and that therefore he could not exercise a discretion.

The answer to that is that he gave the appellant notice of what objections she would have to meet; the evidence was properly taken he considered the evidence and he took time to consider his decision. In the end he said in effect "in view of the fact that you are contumacious by refusing to pay your use of the corporation waters and in view of the fact that such use is for the purposes of a business which you desire to have licensed I cannot regard you as fit and proper person to hold a licence". Now although the Licensing Officer's reasons may not be such as this Court would have regarded as adequate for refusal if this were an appeal on the merits we cannot say that those reasons indicate mala fides caprice or a decision based on ulterior motives, or a refusal to consider the application fairly and properly. We are therefore concluded by the authorities cited to-day by Mr. Horwood from interfering with the Licensing Officer's decision, and the appeal must be dismissed.

TATHAM J: I agree I would like however to add, that I have not lost sight of the fact that Shiddick's case was decided upon a statute which did not give to courts of law express jurisdiction to interfere with the decision of the administrative officer concerned whereas in the case now before us Act 22 of 1909 does vest in this Court jurisdiction to hear an appeal from that decision.

We have decided that the effect of the Act of 1909 was to modify the absolute of jurisdiction contained in the original Act 18 of 1897 in cases of renewals of licenses. But we have also decided that the effect of the Act of 1909 was not to transfer to this Court from the Officer to whose discretion the granting of licence was confided by the Act of 1897 the duty of performing his administrative act but to give to the Supreme Court the power of interfering in cases where the Licensing Officer has either refused to exercise his discretion or has exercised it in a manner which this court would not countenance. That is the effect of the decisions to which our attention has been drawn by Mr. Horwood applying those decisions I am of opinion in the circumstances of this case, that we are not justified in interfering with the decision which the licensing officer and the Town Council have come to.

CARTER J:

The appeal will be dismissed with costs.

SUPREME COURT : APPELLATE DIVISION.

SOPHIA BHAYLA vs Licensing Officer for Estcourt.

JUDGMENT

Innes C.J.

The Appellant, who had for some years held a baker's and confectioner's licence from the Town Council of Estcourt, applied in December 1925 to the local licensing officer for a renewal. That officer also held the positions of Town Clerk and Town Treasurer. There had been a dispute between the applicant and the Council as to the payment of water rates and she appears to have been considerably in arrear. Of these facts the licensing Officer by reason of his multifarious activities was cognisant. He notified her, therefore, that she would have to shew cause why her application should not be refused upon the ground that she was either using for her business purposes water from the corporation mains without authority, or was obtaining it from other sources not satisfactory to the Sanitary Inspector. She appeared before him and admitted that she was using corporation water for her bakery, but stated that there was a dispute as to the amount payable. In the result he refused her application. She appealed to the Town Council but that body upheld the licensing Officer. The matter was then taken to the Provincial Division which refused to interfere. And special leave is now sought to appeal against that refusal.

Now the consideration of applications for trading licences and the issue of such licences, are in essence administrative matters. And such rights of appeal as exist from the decision of a licensing officer are governed by statute. An appeal lies in all cases to the local authority; and a further appeal to the Provincial Division when the application is for the renewal of a licence. But it was held in Durban Chamber of Commerce vs Malcommes & Co. (1917 a.d. p.577) that the Decision of the Provincial Division was in all such cases final. Notwithstanding that ruling, however, we are asked by Mr. Janion to exercise our inherent right to grant leave to appeal in cases outside the special provisions of the South Africa Act, a right which we have repeatedly stated would only be exercised where it appeared that, by a disregard of the forms of legal process, or by some violation of the principles of natural justice, or otherwise, substantial and gross injustice had been done. The contention is that the licensing officer acted capriciously and in disregard of the principles of natural justice by not applying his mind to the merits of the application, and by refusing it on grounds which were irrelevant to the issue before him, and which shewed that his decision was influenced by his own official interests. In the result, it was suggested, grave injustice had been done.

It will be observed that the alleged irregularities were the irregularities, not of the tribunal who orderit is sought to challenge, but of the Licensing Officer, upon an appeal from whose decision the finding of the Provincial Division is conclusive. The complaint against that Division is not that it acted irregularly or capriciously, but that it refused to interfere when it should have done so. A brief reference to the statutes will elucidate the position. The effect of the relevant clauses of Act 18 of 1897 and Act no. of 1909 may be thus stated:-

A licensing Officer shall have a discretion to issue or refuse

...

a licence the exercise of which shall not be liable of review reversal or alteration by any Court of Law, save in the manner and by the Courts specially particularised as follows:

- (a) An appeal shall lie in all cases from the Licensing Officer to the Town Council or Divisional Board which may direct that the Licence which is the subject of appeal be issued or cancelled; and
- (b) where the application is for a renewal an appeal may be made against the decision of the local authority to the Provincial Division or the Circuit Court, which may order that the renewal be granted or not granted, or may remit the matter for re-hearing.

So that the Superior Court, in regard to an appeal duly before it, is given the same power as the local authority. Its jurisdiction is not confined to setting aside irregular proceedings and ordering a re-hearing; it may deal directly with the application itself. The Provincial Division has decided however, that its statutory appellate jurisdiction only justifies an interference in cases when it is of opinion that the administrative discretion has not been exercised either duly or at all; and that in dealing with appeals it should follow the rule laid down in Shiddick v. Union Government (1912 A.L. p 652). In other words, that its appellate authority enables it to do no more than it might have done without such authority. A startling result indeed. But unless we are entitled to adjudicate upon the matter it is not desirable to pronounce upon its correctness. And neither under our express or under our inherent jurisdiction are we entitled to this. The Statute excludes the interference of any Court save those tribunals upon whom appellate jurisdiction is expressly conferred. As was pointed out in Durban Chamber of Commerce vs. Malcomess & Co. the decision of the Provincial Division is invested with finality. And that being so, we cannot destroy the quality which the legislature has seen fit to confer upon it. The real difficulty in the way of the applicant is not that the matter falls outside the provisions of section 105 of the South Africa Act, but that the decision which she challenges is a final decision. It was laid down in Bohrs vs New march (1915 A.L. p 108) that this Court was precluded from granting special leave under its inherent jurisdiction in a case where the decision complained of had by the Legislature been invested with finality. That ruling is of decisive application here. However important the matter at issue may be the Legislature has seen fit to exclude it from the consideration of any Court of law, save the Court specified in the statute. And we cannot by granting leave assume an appellate jurisdiction which we do not possess

The application must therefore be refused.

(SGD.) J. Rose Innes

Chief Justice.

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Interim statement submitted to the Deputation appointed by the Government of India by the South African Indian Congress, reflecting the present condition of the Indian community in Natal and the Transvaal; in terms of the communication made by the Government of India, dated the 21st November, to the effect that the main purpose of the Deputation is to collect first-hand information regarding the economic condition and the general position of the resident Indian community in South Africa.

To
The Chairman and members of the
Government of India Deputation,
at PRETORIA.

Gentlemen,

At the outset, the undersigned executive members as representing the South African Indian Congress, consisting of the Natal Indian Congress representing the Indian community of Natal; the Transvaal British Indian Association, representing the Indian community of the Transvaal; and the Cape British Indian Council representing the Cape Indian community, venture to place on record their protest against the Areas Reservation Bill, in terms of the following resolution passed thereto by the South African Indian Congress held at Capetown on the 10th November, 1925, viz :

"That the South African Indian Congress, in Conference, views with alarm the Areas Reservation and Immigration and Registration (Further Provision) Bill, which is in violation of the 1914 Gandhi-Smuts Agreement, and which Bill has for its objects the compulsory segregation of Indians; the deprivation of their proprietary rights and the ultimate elimination of the Indian community as openly declared by the Minister of the Interior;

/and

and begs to submit to the Government that in a matter of principle the Indian community of South Africa opposes this Bill in toto."

It will be observed from the foregoing resolution that the community which we have the honour to represent having lost confidence in the assurances and solemn compacts which the Union Government entered into with the Indian community, have decided at the aforesaid Conference to object to the passing of the Reservation of Areas Bill, in view of the fact that that legislation, if passed, would threaten the Indian community with absolute annihilation.

Realising the evil results following segregation, the Indian community has all along objected to that system; our main objections to the segregation policy were fully stated in documents submitted before the Asiatic Commission presided over by the late Sir J.H. Lange. The Commissioners, after an exhaustive inquiry into the question, embodied their considered views in the following language :

- (1) There should be no compulsory segregation of Asiatics.
- (2) There should be no compulsory repatriation of Asiatics.

It will be noted, however, that despite the recommendations of the Asiatic Commission emphasising the undesirability of compulsory segregation and compulsory repatriation, the effect of the Reservation of Areas Bill, if passed, will be what the Commission recommended not to do. Hence it would be self-evident that no special circumstances have arisen to warrant the introduction of such a drastic legislation against the Indian community; and it would be noted - as will be shown hereafter - that since

the Indian community is being deprived of a good many valuable rights, either through the instrumentality of the Provincial Councils, or by the drastic administration of existing Laws of the Central Government.

LICENSING QUESTION, NATAL :

The provisions of the Dealers Act 15 of 1897 of Natal were sufficiently drastic, in that it conferred on the licensing officers absolute and discretionary powers either to grant or to refuse licences; and the licensing officers, having exercised their powers in an arbitrary and capricious manner, there has been many a miscarriage of justice. In order to prove the tendency of the licensing officers towards Indian tradespeople, we quote below extracts from the evidence given by Col. Molyneux, Licensing Officer for the Borough of Durban, before the Lange Commission. Questioned by Col. Wylie, one of the Commissioners, Col. Molyneux, the licensing officer, said :

"I use my discretion as to whether an Asiatic should trade in any particular street or area. It is very seldom, comparatively, that a European licence is refused. A European licence is granted almost always, as a matter of course; whereas the Indian licence is refused, as a matter of course."

Such being the feelings actuating the licensing officers, the injured parties, on appeal to the Town Councils - which are invariably comprised of trade rivals holding very strong and emphatic views - very seldom get justice from these so-called Appellate Courts.

Not contented with the aforesaid Laws in regard to the control of the Indian traders, the Rural Licensing Amendment Ordinance, No.5 of 1925, Natal, was passed by the

/Provincial

Provincial Council. In addition to the irksome restrictions imposed by the previous Act, the present Ordinance limits the right of appeal from the decisions of a Licensing Board to only one ground, viz : "that the applicant is not a fit and proper person to hold the licence applied for, or to carry on the proposed business." In fact, the limitations imposed on the rights of an aggrieved party have made the Licensing Appeal Board a mere nonentity and a useless appendage.

In order to prove that the Licensing Appeal Board is not serving the purpose for which it was intended, we quote below the case of A.E. DESAI & CO., of Northdene. This firm carried on their business on a piece of leasehold land at Northdene for a period of thirty years. The Leasehold property in question was purchased by a European recently, and Desai & Co., were given notice to vacate the land. Desai & Co., purchased a piece of land adjoining the land where they were hitherto trading, and erected a substantial building, and applied for the transfer of their licence which they had held during the past thirty years to their new premises. The transfer, being objected to by the European who cancelled their tenancy, was refused by the Licensing Board on the ground that there was no necessity for the transfer -- though Desai & Co., had been trading in that identical spot for thirty years. Subsequently they lodged an appeal to the Licensing Appeal Board which, owing to the limitation of its powers, could not afford relief to the aggrieved party.

Again, an Indian storekeeper in the district of Ixopo was, on the termination of his lease from a European given notice to quit. He applied for a transfer of his licence within the same district, but it was refused owing to the quondam landlord raising an objection to the transfer on the ground that there was no necessity for it.

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5.

It is being alleged that the Indian traders are making a peaceful penetration all over the country, and that they are driving the European traders from their legitimate field of activity. In order to refute the unfounded allegations made against the Indians, we append hereto a comparative statement of the number of licences held by Indian and European traders since 1920, 1921, 1924, and 1925, in some of the important boroughs and townships of Natal. A mere glance at the statistics ought to bring conviction as to how the Indian traders are losing ground slowly but surely, owing to the harsh and high-handed administration of the Licensing Laws; while in the case of the Europeans they are on the increase, and the trade is increasingly going into their hands. It is needless to say that under the category of Europeans, aliens and others who have the recommendation of a white skin are included. Hence it must be apparent that the alleged Asiatic penetration into the Europeans' trade is more illusory than real. The following is a comparative list of statistics of licences held by Indians and Europeans in some of the important boroughs and townships of Natal :

/ Retail and Wholesale

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Retail and Wholesale Licences.

Boroughs and Townships of Natal :

Borough or Tnship.	1 9 2 1		1 9 2 1		1 9 2 1		1 9 2 5	
	Ind.	Eur.	Ind.	Eur.	Indian Decrease.	Euro. Decr.	Indian Incr.	Euro. Incr
P. M. Burg.	108	343	109	382	Nil	Nil	1	39
Ladysmith	not available	n.a.	44	80	-	-	Nil	Nil
Newcastle	16	24	17	31	-	-	-	7
Estcourt	4 (1920)	20	3	25	1	-	-	5
Weenen,	4	4	4	4	Nil	Nil	Nil	Nil
Howick, (1920)	2 (1920)	3	3	4	-	-	1	1
Glencoe	3	3	3	8	-	-	-	5
Charlestown,	10	1	10	1	-	-	-	-
Verulam	18	10	24	9	-	1	5	Nil
Dundee	11	47	6	58	5	-	-	11
TOTAL	...	276	455	223	6	1	7	68

Umkomaas	No Indian trader
Utrecht	ditto
Vryheid	ditto
Paulpietersburg	No information available
Richmond	ditto
Greytown	ditto
Durban	ditto
Stanger	ditto

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7.

It has been stated that one half of the trade of Natal, and a large portion in the Transvaal, are in the hands of Indians, and that their commercial morality was alleged to be very low. While it is not our intention to dwell at length on this aspect of the question, considering the class of white traders who make these allegations against us, the subjoined comparative statistics of insolvencies ought to prove an authoritative criterion for the purpose of forming a true conception of the commercial morality of the Indian community of the Union as against their trade rivals and interested professional agitators :

Statement showing the Number of
European and Asiatic Insolvencies.....

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8.

Statement showing the Number of European and Asiatic
Insolvencies
In the Cape, Natal and Transvaal Provinces
During the Years 1921/1924

("European" figures only on this page;
"Asiatic" figures overleaf).

Year	Province	Volun- tary Surren- ders.	Compul- sory Seques- tr'ns.	As- sign- ments.	Total.	Liabilities.		Assets.
						£	£	
1921	Cape	480	244	33	757	2,338,592	1,669,553	
	Natal	32	37	3	72	386,828	275,776	
	Tavl. (1)	171	414	69	654	2,136,961	1,552,304	
1922.	Cape	497	265	46	808	2,434,242	1,697,877	
	Natal	84	61	17	162	539,750	341,156	
	Tavl. (2)	231	515	56	802	1,571,669	1,049,812	
1923.	Cape	421	213	46	680	2,010,526	1,791,306	
	Natal	83	48	12	143	282,664	190,870	
	Tavl. (3)	267	537	63	867	1,586,303	1,051,114	
1924.	Cape	293	223	53	569	1,414,218	925,297	
	Natal	37	41	7	85	181,419	125,806	
	Tavl. (4)	233	526	63	822	1,494,029	926,457	

(1) Includes 65 cases in which Liabilities and Assets were not specified.

(2) " 190 ditto.

(3) " 142 ditto.

(4) " 130 ditto.

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S.S.

Insolvency Figures

As applied to "Asiatics" :

Year	Province	Volun- tary Surren- ders.	Compul- sory Seques- tr'ns.	As- sign- ments.	Total	Lia- bili- ties.	Assets.
1921	Cape	11	55	1	67	257,482	235,462
	Natal	12	13	-	25	97,246	50,724
	Tavl.	20	105	10	135	397,487	345,767
1922	Cape	8	26	-	34	44,255	30,182
	Natal	25	59	-	84	228,831	154,618
	Tavl.	37	137	24	198	398,262	328,278
1923	Cape	11	26	1	38	55,281	41,160
	Natal	11	41	-	52	108,567	74,201
	Tavl.	29	86	6	121	429,887	329,600
1924	Cape	8	27	2	37	37,026	18,422
	Natal	11	44	3	58	101,118	68,329
	Tavl.	8	67	4	79	203,018	152,947

THE LAND QUESTION IN NATAL :

It has been alleged that the Indian community has been buying properties on a large scale in places inhabited by Europeans in urban areas; and it is further stated that by such alleged action on the part of Indians the properties of Europeans have depreciated in value. A reference to the comparative statistics appended hereto will clearly prove to the contrary all such statements. It will be noted that in such important cities as Durban, the nett increase in the amount of the value of properties held by Indians between 1921 and 1925 was only £245,760, while the Europeans during the same period acquired properties to the value of £3,712,870.

When compared with the population as given in the last census (1921), for Durban and suburbs - i.e., Indians, 47,811 as against Europeans, 57,095, we find that the acquirement of properties as between the two communities is altogether disproportionate. Moreover, it should be remembered that this ostensible increase in the value of properties by the Indian community, to the tune of about £245,760, should not be attributed to acquiring a larger control over real estates. In fact, the sum total represents more the enhanced value and greater improvements effected, such as new buildings, or renovations effected, than fresh acquirements of landed properties in the urban areas. Therefore it must be obvious that the alleged menace of the Indian in urban areas is untrue.

The following is the schedule of properties held by Indians and Europeans in some of the most important towns of Natal, which proves our contention :

/Value of properties owned by

Table of Properties owned by Indians and Europeans
in the towns of Natal

Town	1921 Ind.	1921 Eur.	1925 Ind.	1925 Eur.	Incrse. or Decrse. Ind.	Incrse. or Decrse. Eur.	Ind. Popu- la- tion.	Eur. Popu- la- tion.
Durban.	1002980	16019510	19732380	1248740	I:3712370	I:248740	47811	57,095
P.L. Burg.	98,548	2922397	218370	4071455	I:129822	I:1149058	6944	17,998
Ladysmith	not available	n.a.	116000	491000	-	-	1551	3,221
Estcourt	15,837	114,828	159,446	22,945	I: 44,618	I: 7,108		
Bundee	43,500	310,996	360,857	47,871	I: 50,861	I: 6,281		
Glencoe	17,568	59,101	85,511	18,242	I: 26,410	I: 677		
Charles-town.	13,175	23,715	23,515	13,375	Decrease : I: 200	200		
Verulam	25,575	53,825	56,535	35,225	I: 2,710	I: 9,650		
Howick	2,770	40,425	New 5,500 4,675 10,175	New 33,915 39,740 73,655	I: 7,405	I: 33,230		
Weenen	not available		7,063	104,329	---	---		
Newsle.	31,825	271,991	361,710	46,790	14,965	89,819	512	2,057

In Umkomaas, Utrecht, Paulpietersburg, Geluksburg, Indians own no property. In Vryheid, only one property, valued at £4,107, owned by Indian. Richmond, Stanger, and Greytown have not supplied the required information.

Regarding the rural areas, a similar outcry is being raised against the Indians, but a closer examination of the actual conditions in which Indians are living would reveal quite a different tale. It is well known that the bulk of the Indians in Natal are agricultural people. Ever since their advent to this country, dating back to 1860, their chief occupation, after being relieved from indenture, has been agriculture. During a period extending over half a century the sum total of real estates acquired by all Indians in rural areas is estimated, according to the Agricultural Census returns of 1920 to 1921, at 57,914 acres out of a total area of 35,284 square miles in Natal - apart from leasehold properties held on monthly and yearly tenancies.

Considering the nature and size of the Indian agricultural community, who consist of 20,799 over the age of 15, and who have no other means of livelihood except the cultivation of land, the acquirement of 57,914 acres during these years of incessant toil cannot be considered as a menace to the existence of the white population.

Prior to the appearance of the Indian in the competitive field, there was hardly any demand, much less value, for the land; but since his appearance, the land that could not be sold for 5s/- per acre has risen in value enormously. On the coastal belt, and on the main line, lands that were lying barren have become enhanced in value to a very great extent; and those of the Europeans who have land, realising the enormous benefit, have cut up and sold to Indians at very high figures. Thus the Europeans and the country at large have benefited by the presence of the Indians. But for their presence the rural areas would have remained as they originally were.

We quote below particular instances of
/enhancement

enhancement in the value of properties ever since they were acquired by Indians in urban and rural areas.

URBAN AREAS :

(1) In Currie Road, Innes Road, Cowie Road, Umbilo Road, etc., Durban, where most of the wealthy Europeans live, notwithstanding the acquirement of residential properties by Indians, the value, instead of depreciating, as has been alleged, has been increasing year by year. A reference to the Durban Corporation valuation roll would substantiate our contention.

(2) The Durban Corporation has been erecting houses opposite the Race Course and Greyville, and selling them to Europeans at more than the market value on monthly instalment system, notwithstanding the fact that these new tenements are situated right amidst Indian surroundings. Should the theory of the depreciation of the value of lands because of Indian surroundings, be correct, then it is difficult to reconcile the existing facts with the theory propounded by the anti-Asiatics.

(3) Regarding complaints about the value in rural areas, the following instance would prove for itself:

Westville : Messrs. Pather & Co., of Durban, purchased for an Indian block of land in extent about 55 acres in Westville, near Durban, at the rate of £22.10.0. per acre, about 18 months ago. This land is surrounded on the one side by Mr. Schaffermann, who until recently owned about 1,000 acres, which, it is learnt, have been purchased by a Johannesburg syndicate of Europeans; on another side by Mr. A. Borgault, a Frenchman, and on another side by the Westville Hotel. A piece, in extent 5 acres, from the Indian's land was, only two weeks ago, offered by a European at the rate of £55 per acre. This, in effect, means that

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since the advent of the Indian the property has appreciated in value.

Umlaas Road, Natal: H. Pathon, an Indian, purchased a few years ago a farm in extent about 600 acres at Umlaas Road, which is a farming district about 50 miles away from Durban. On the death of the owner, the farm in question was sold, and was purchased by a European at a higher price than was originally paid for it.

Instances where Indian farms situate right amidst Europeans in the Greytown district and northern parts of Natal, not only realised enhanced prices, but the surrounding farms owned by Europeans have gone up in value, can be multiplied. All these facts go to prove that the allegations that Indian penetration into European farming districts causes a depreciation in the value of European farms, is as unfounded as it is refuted by actual facts.

In addition to the above instances, a reference to the officials of the Natal Colonisation Company would prove how lands, for which there was no demand at all, have become valuable, and to what extent the country has benefited by the presence of the Indian population.

On the whole, the alleged penetration of the Indians in rural areas, instead of proving a menace, has on the contrary proved a benefit to the Europeans and to the country at large; and so, the clamour against the Indian on that score ought to be considered one of the manifest symptoms of increasing colour and race hatred.

Looked at from an economic point of view, facts being as they are, in 1922, at the instance of the Durban Corporation, an Ordinance entitled "The Durban Land Alienation Ordinance", providing for imposing racial restrictions on lands held by the Durban Corporation, was assented to by

/ the Governor-General

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the Governor-General, when the Indian community raised an objection to the far-reaching principle involved in the Ordinance. Subsequently an Ordinance was enacted extending the same principle to all townships and municipalities in Natal. Protracted correspondence ensued on the subject, and the subjoined letters speak for themselves :

/ Copy. Department of Interior, Capetown

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COPY.

Department of Interior,
Capetown.
22nd June, 1922.

Sir,

The Provincial Administration, under cover of a letter dated the 16th instant, has forwarded for the assent of His Royal Highness the Governor General, under Section 90 of the South Africa Act, an Ordinance introduced into the Provincial Council by Mr. G.H. Hulett, M.P.C., to grant additional powers to the Town Council of the Borough of Durban in respect of the alienation of or other dealing with immovable property belonging to the said Borough.

A deputation of the Natal Indian Congress waited upon the Minister of the Interior last week to represent certain views in regard to this and other Ordinances, which they contended would operate against the interests of the Indian community in Natal, and they specially referred to the powers sought to be given to the Borough of Durban affecting the conditions re selling or leasing of immovable property as referred to in the Ordinance as passed by the Provincial Council.

The Minister of the Interior promised the deputation to communicate with His Worship the Mayor to ascertain the intentions of the Borough in connection with this legislation which the Indian Congress of Natal feel may operate very harmfully against the Indian community in the Borough of Durban. The Ordinance purports to restrict ownership or occupation, and it is apparently intended to be applicable to any European, Asiatic or Native; but the deputation held that it might result in seriously affecting the Asiatic population in Durban.

/The

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The Minister desires me, therefore, to ascertain from the Mayor exactly what would be the policy of the Borough in the event of the Ordinance receiving the assent of His Royal Highness the Governor-General, and especially as to what provision the Borough proposes to make to protect the interests of the Indians from the residential or business standpoint within the Borough.

As under the provisions of the South Africa Act notification has to be given to the Provincial Administration at the latest by the 15th proximo, as to whether assent is to be given or withheld to the Ordinance, the Minister desires me to ask that your reply be submitted to reach me if possible at the latest by the 3rd proximo.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) H.B. Shawe,

Secretary for the Interior.

To
The Town Clerk,
D u r b a n .

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BOROUGH OF DURBAN

CONF

Town Clerk's Office,
Durban.
3rd July, 1922.

The Secretary for the Interior,
Capetown.

Sir,

I have the honour to acknowledge the receipt of your letter of the 22nd instant relative to the Ordinance introduced into the Provincial Council by Mr. G.H. Hulett, M.P.C. to grant additional powers to the Town Council of the Borough of Durban in respect of the alienation of or other dealing with immovable property belonging to the said Borough; and it is noted that the Minister desires to ascertain what the policy of the Council would be if the Ordinance receives the required assent of His Royal Highness, the Governor-General.

In reply I have to state that the present policy of the Town Council is to separate the population of European descent, so far as possible, from Asiatics and Natives in residential areas - not to segregate any section or class entirely in parts of the Borough - or from areas where at the present time any section has property or interests.

As a matter of fact, all sales of immovable property belonging to this Borough are subject to the consent of the Administrator, and should the Council impose any condition in any land sale that would seriously affect the interests of the Europeans, Asiatics, or Natives, the persons affected could petition the Administrator to refuse consent until such interests were safeguarded.

I have the honour to be,
Sir,
Your obedient servant,

(Sgd)

Acting Town Clerk.

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DEPARTMENT OF THE INTERIOR

DEPT.

No. C.T. 64.

CAPETOWN,

19th July, 1922.

Sir,

With reference to your communication of the 17th March last and subsequent correspondence, and also in connection with a deputation from your Congress which met the Minister of the Interior on the 12th June last, in regard to the Rural Dealers Licensing Ordinance, the Townships Franchise Ordinance and the Durban Land Alienation Ordinance, I am directed to advise you that after full consideration of these Natal Ordinances, His Royal Highness the Governor-General has been pleased, under the provisions of Section 90 of the South Africa Act, 1909, to reserve for further consideration the Rural Dealers Licensing Ordinance and the Townships Franchise Ordinance. The Government, however, advised assent to the Ordinance "to grant additional powers to the Town Council of the Borough of Durban in respect of the alienation of or other dealing with immovable property belonging to the said Borough."

In regard to No. 1, the Government considers that the abolition of the existing Provincial Appeal Board is contrary to its general policy in regard to the position of Asiatic traders. The Asiatic Commission recommended in connection with the issue of licences, that there should be a Provincial Board of Appeal. Such a Board exists at present, and the Government is not prepared under the circumstances to recommend assent to the Ordinance abolishing it.

In regard to No. 2, the Government in

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recommending the reservation of the Ordinance, did so as they propose to appoint an officer to inquire into the conditions existing in the townships in Natal, so that they may satisfy themselves as to what steps, if any, should be taken in regard to restrictions of the franchise specially affecting Asiatics.

In regard to Ordinance No.3, I attach for your information copies of correspondence which has passed between this Department and the Borough of Durban, and I am directed to inform you that the Government considers it reasonable that the Administrator, in giving his approval to racial restrictions introduced into land sales, should see as far as possible that Asiatics are given reasonable opportunity of acquiring adequate residential sites.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) H.B. Shawe.

Secretary for the Interior.

To
The Secretary,
Natal Indian Congress,
169a Grey Street,
Durban.

Notwithstanding the observations made by the Government as disclosed in the correspondence, the Durban Corporation as well as other municipalities and townships, have given no opportunity to Indians to buy either leasehold or freehold land for residential purposes in their respective jurisdiction. On the other hand, the tendency has been even to deprive the Indian of the rights acquired in the past by virtue of long tenancy.

We quote a case in order to prove our contention: The late Mr. Parsee Rustomjee held a piece of land in Field Street, Durban, from the Durban Corporation for a period extending over nearly forty years. The Corporation has given notice to vacate the land, though strong protests were lodged by counsel for the estate against the procedure of the Corporation. Since then the land in question is advertised for sale, with an anti-Asiatic clause.

We quote below another instance as to how the Corporation of the City of Pietermaritzburg exercised their powers under this Ordinance :

A few years back the Pietermaritzburg Town Council acquired a block of buildings in the heart of the city in Commercial Road. For close on 38 years Indian Merchants rented these premises and there conducted their businesses. In October 1925 the Council sold the lease of the land for a term of 99 years, under authority of Section 162 of the Boroughs Ordinance, restricting the use and occupation of the land to persons of European descent. The prohibition contained in the lease precluded the Indian Merchants affected from buying the lease, and consequently the leases were purchased by European companies. Since the purchase on lease of sites on which Indians conducted their business for a number of years, the Town Council gave

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the notice to vacate, after which the Indians affected went in a deputation to the Town Council and pleaded that they were willing to vacate but asked that they might be allowed to transfer their licences to premises in localities where they could continue their businesses. The Council stated in reply to the Deputation that, as the matter of granting the transfer of the licences was in the hands of a statutory officer - in this case, the licensing officer - they were unable to give any directions to him, but were prepared to hear and deal with appeals that resulted from his decisions.

Applications for transfers were made by the Indian merchants to a locality described by the Licensing officer as Upper Church Street, and in each case the transfer was refused on the ground that in the public interests it was not desirable to grant licences for this class of business in the aforementioned locality. The Licensing officer's decision was upheld by the Council, on appeal. The Licensing Officer has even refused to grant the renewal of the licences held by the Indians for the year 1926 on the ground that they had no right to the premises.

Five licences are affected in this particular case cited, and the total value of the stock held by these Indian merchants runs approximately into £5,000.

MUNICIPAL AND TOWNSHIP FRANCHISE :

The Indian community enjoyed the municipal franchise since 1872, though efforts were made by the Natal Municipal Association in 1906 and 1907 to deprive Indians of this valuable privilege, without success -- the reason being that the British Government declined to curtail the municipal right of the community. At the same time, when the Disenfranchisement Act was passed by the Natal Legislature in 1896, it was distinctly understood that the

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Municipal franchise rights of the community would not be affected by the passing of that Act. Such being the true facts, efforts were made from time to time by the anti-Asiatic party in Natal to deprive the Indians of this civic right; and Ordinances having for their object the taking away of civic rights in townships and municipalities were passed four times, and on representations by the community were vetoed by the Governor-General-in-Council on each and every occasion.

At last, when the present Government came into power, the very same Ordinance, clothed in different phraseology, was passed and sanctioned by the Government, despite strong protests of the Indian community.

The following are the salient clauses in the Ordinance :

"Every person, male or female,

(1) Who is the owner of rateable property within any ward of the Borough of the assessed value of fifty pounds, or

(2) Who has occupied for a continuous period of three months immediately prior to the first day of June in the current year any rateable property within any ward of the Borough of a gross annual value of ten pounds,

And who, being a male, is entitled to be registered as a parliamentary voter, or being a female, would be entitled to be so registered if she were a male, shall be entitled to be enrolled as a burgess and to vote at the election of councillors for such ward as aforesaid, subject to the disqualifications hereafter stated.

Provided, however, that no person who at the first day of July, 1924, was enrolled as a burgess of any borough shall be disqualified for or disentitled to such

enrolment in that borough merely by reason of not being a British subject, or for non-compliance with the foregoing provision in regard to parliamentary qualifications."

POSITION OF THE INDIANS IN THE TRANSVAAL :

Historically the disabilities suffered by the Indians in this Province are interesting. The story dates back to the days of the South African Republic, and to the London Convention, under which equality of treatment was reserved to British Indians as a section of the British subjects.

Owing to trade rivalry, even at this early stage, President Kruger's Government approached the British Government with a view to obtaining their consent to the passing of certain disabling legislation, the idea being to classify Indians in the Transvaal with the native and other sections of the coloured population.

Subsequently permission was granted for the imposition of the terms of Law 3 of 1885, and amended in 1886. Thereunder segregation for purposes of residence (only) was approved, for sanitary reasons; in addition, the prohibition against holding fixed property outside of the areas of such segregation, and the deprivation of political status. The payment of the three pounds exacted was merely a revenue matter and constituted something in the nature of a tax upon the Indians engaged in trade.

When it became clearer to the British authorities that they had been party unwittingly to the imposition of disabilities on British Indians, who were

/ under

Under Law 3 of 1885 and 1886 subjected to increasing disabilities and humiliation in the shape of segregation in trade and residence, representations were persistently and consistently made through the British Agent; and reference to the pronouncements of British statesmen prior to the outbreak of the war made it obvious that the British attitude was one of strongest protest against the disabilities under which, between 1885 and 1899, the Indian community laboured.

Reference to only one of these pronouncements need be made - that of Lord Lansdowne, at Sheffield, in the year 1899 :

"A considerable number of the Queen's Indian subjects are to be found in the Transvaal, and among the many misdeeds of the South African Republic I do not know that any fills me with more indignation than its treatment of these Indians. And the harm is not confined to sufferers on the spot; for what do you imagine would be the effect produced in India when these poor people return to their country to report to their friends that the Government of the Empress, so mighty and irresistible in India, with its population of 300,000,000 is powerless to secure redress at the hands of a small South African State ?"

With the conclusion of the hostilities between Eriton and Boer, the Indian community not unnaturally considered that their grievances would be remedied, and that the story of their disabilities was to be closed chapter.

From 1902 to date, throughout the period of British occupation, Responsible Government, and Dominion

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status, the Indian community in South Africa have been the victims of increasingly stringent legislation and of the curtailment of right after right, until to-day they are threatened with not only segregation for purposes of residence, but for trade also.

Reference to the "Compendium of anti-Asiatic Legislation" annexed hereto, readers comment superfluous, since it will be seen that the Laws enacted disclose a consistent, calculated policy leading up to what is now threatened, viz., the tightening of the noose to a degree that will drive the Indian community out of the country altogether as an alternative to remaining as pariahs and outcasts.

("Compendium" is attached as ANNEXURE 'A' Hereto).

RE EXEMPTED ENTRANTS :

Attention is invited to the annexure hereto marked 'B' (letter of the 19th December, 1925, addressed to His Excellency the Viceroy of India).

The 1914 settlement provided for the admission into the Provinces of Transvaal, Natal and the Cape of two classes of Indians outside of those entitled to enter under the statutory laws :

(Class 'A' : a small number of educated entrants, some ten for each Province per annum, who were to receive letters of exemption freeing them from the necessity of holding registration certificates. They were, in practice,

/ comprised

comprised of persons of some education, of use to the community of the particular Province to which they were to be admitted; and otherwise, once admitted, they were to suffer no disabilities not imposed on the holders of registration certificates.

The second class comprised temporary visitors, priests, teachers, etc., whose temporary permits might be extended from time to time.

It must be obvious that Class 'A' had to earn its livelihood by some means or other, if it were to continue to live honestly in the Province to which it was admitted; consequently, such entrants were generally either accountants, book-keepers, agents, brokers or the like.

Gradually conditions crept into the letters of exemption until it became necessary for the Transvaal British Indian Association to enter a strong protest, as will be seen from the annexure referred to.

That the Class 'A' specially exempted Indian was not to be hampered by the conditions subsequently imposed upon his residence and activities, would appear clear from the communications referred to in the said annexure, and particularly from the letter of the 30th April, 1919, likewise annexed hereto in extenso.

TRANSVAAL DEALERS (CONTROL) ORDINANCE

No. 11 of 1925 :

This Ordinance in question, having the ingredients of oppressive legislation, though applicable to all in general, yet in practice will have a far-reaching effect on the Indian traders in the Transvaal in exactly the same manner as the operation of the Licensing Laws in Natal,

/ Counsel's

Counsel's opinion is attached hereto elucidating the effects as well as the intricacies of the Ordinance. (Opinion marked ANNEXURE 'D')

INDIAN EDUCATION IN THE UNION :

It is well known that when Indians were brought to this country originally, it was part of the agreement which the Government of India entered into with Natal, that the educational facilities for the children of Indian immigrants must be provided for. In terms of this compact successive Natal Governments provided educational facilities by voting sums of money annually. However, since the passing of the (Natal) Free and Compulsory Education Act, which provided educational facilities only to children of European and coloured descent, no adequate facilities are given to Indians, though taxes are collected in equal ratio from the Indians for educational purposes, e.g., the Wheel Tax (Natal), which has been imposed specifically to meet the cost of education.

Despite representations made for the extension of educational facilities, so far nothing has been done, and instead, the tendency of the Natal Provincial Council is to curtail the existing facilities; and, in fact, efforts are being made to withdraw the medium of education from English into the Indian vernacular on the ground ostensibly that Indians are to be taught only in their mother tongue, but in reality to prevent the coming generation of Indians from acquiring a knowledge of the English language.

A committee appointed by the Natal Provincial Council is investigating the question of the medium of language for imparting education to Indians in Natal; and it has not concluded its labours. However, the following

/ statistics

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statistics will show how the Government is dealing with the Indian community in the matter of education :

Out of a school-going population of 48,188 Indian children in the Union, educational facilities are afforded only to 8,416 children: while amongst Europeans, out of a school-going population of 338,500, 331,081 children obtain education, which is imparted under the Free and Compulsory Education Act.

There are twelve Government schools and 39 Government-aided schools for the Indians in the Union, while for the Europeans, 4,833 schools are provided. The average expenditure on Indian education is £23.3.3d per child, while the expenditure on European education is £17.17.9d per child. These figures speak for themselves as to the disparity in the matter of education as between European and Indian children; in many cases Indian children are turned out of schools for lack of accommodation, though their parents express the wish to pay full fees for their education.

No provision is made for higher education, industrial or technical education, or agricultural education for Indians in any shape or form.

ECONOMIC CONDITION :

The economic condition of the Indian community has been the bone of contention among the Europeans, but among the Indians it has been causing considerable anxiety; because, the bulk of the Indian population, not having the ordinary rights of freedom to move about the Union, feel the pressure of congestion and a keen struggle for existence in one Province alone, viz., Natal.

/ At

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At the time of Union, both the British Government and the Government of India were well apprised of the danger threatening the existence of the community by confining them in one Province of the Union, and it was suggested that it would be in the interests of all concerned to remove the inter-provincial restrictions imposed on the Indians; but unfortunately this suggestion did not gain the active consideration of the authorities.

As a result of the inactivity and lack of foresight^{on}/the part of the Indian Government, we find the most pro-British Province clamouring for very drastic legislation for an economic disease which could not be eradicated by any amount of reactionary legislation.

The root of the evil must be dealt with, and a remedy found, in a manner that would touch the real disease. A reference to the statistical abstract attached hereto would show how, owing to congestion of population, the Indian is helpless to raise his standard of living, and how he is being compelled, by sheer force of economic circumstances, to accept any wage that may be offered him to keep his body and soul alive. If he does not accept what is offered, in view of the fact that he cannot go out of his own Province of birth or domicile, for a better field, he would have to choose between starvation and death. Hence it would be evident that the present economic condition of the Indian is not of his own choice, or creation, but it is the inevitable product of the system of Government which precludes him from all advancement in the race of life.

In accordance with the finding of the Cost of Living Committee, it is computed that the minimum cost for a

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family consisting of three members to lead a civilised existence would be £110 per annum. While those of the Indians who derive an income in that sum, and over, lead what is termed a civilised existence, the majority of the wage earners, who form about 49,002 in number, are doomed to accept a wage not in conformity with the civilised standard, simply because of their nationality and the colour of their skin.

The following statistical abstract would prove our contention :

/"Class of Industry

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Class of Industry	31.			
	White	Native	Asiatic	Other Coloured
Raw material ...	£108	£34	£33	£31
Stone clay ...	188	21	24	36
Wood ...	151	33	34	47
Metals, engineering.	237	38	45	39
Food and drink ...	160	29	23	38
Clothing and textiles	100	39	52	60
Books and printing ..	173	39	54	57
Vehicles ...	154	39	66	54
Shipbuilding ...	233	41	68	93
Furniture ...	161	36	46	68
Chemicals ...	292	32	28	42
Jewellery ...	141	33	65	98
Heat, light and power	257	37	33	79
Leather and leather work ...	92	51	53	48
Building and contracting ...	158	29	23	61
Other industries ...	152	40	34	62

THE COLOUR BAR :

As it is within the personal knowledge of the Deputation, there has been a gradual introduction of the colour bar into public places such as the Courts of Justice, the Post Office, the Town Hall, Municipal Tramways, Tramway Offices, public places of amusement, etc., where separate accommodation is provided for the use of Indians and Natives -- and in the Transvaal even that is not provided for in many places -- thereby accentuating the stigma of racial inferiority, and subjecting the Indian community to hardships and indignities.

C O N C L U S I O N :

In conclusion, we have to submit that the Indian question has reached a crisis which requires firm and statesmanlike handling; otherwise the community which we have the honour to represent may find themselves, and the prospects of their children, in an irretrievable ruin.

With a view to reminding the Deputation of the inalienable right of the Indian community to lead a peaceful and honourable existence in this country, we take this opportunity to recapitulate the various important points connected with the Indian colonisation in this country.

First of all, the advent of the Indians is due to the liberal inducements originally offered to the community, such as free gift of land to Indians, and educational facilities to their children - evidently with a

/ view

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view to attracting Indian settlers here. And Indian traders were encouraged to migrate and were induced to open up the commercial resources of the country. As the Indian community in general progressed, the Europeans, envious of the growing prosperity of the Indian community, showed signs of hostility; and the British Government, while disapproving of the racial bias evinced by Europeans, consistently maintained a policy which had for its object the protection of the rights of British subjects.

Seeing that the hostility was alleged to be due more to economic causes than racial, it was maintained by the advocates of Union that the consummation of the Union of the four self-governing Colonies would weed out parochial politics, and opportunity would be given for taking a broader view of things. But the Indian community took a different view, having regard to their bitter experience in the past; and when a strong protest was lodged against the Union, the Imperial Government, in a despatch dated the 24th December, 1909, smoothed the apprehension of the protestants in the following language :

" With reference to

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"With reference to the petition signed by Indians in Natal regarding their position under closer Union, forwarded to His Excellency under cover of your letter of the 14th July last, I have the honour to inform you that the petition was duly transmitted to the Right Honourable the Secretary of State for the Colonies, who, in a despatch dated 24th December last, desires that the petitioners' attention should be drawn to the amendment of Section 147 of the Act of Union, leaving control and administration of matters especially or differentially affecting Asiatics within the province of the Governor-General-in-Council. This provision, while not repealing certain legislation, as desired by the petitioners, will, as His Majesty's Government trust, ensure consideration of questions affecting Indians in a broad and generous spirit.

"In regard to the second part of the petition, I am to inform you that His Majesty's Government have not felt themselves able to advise the appointment of a Royal Commission, more especially as by recent amendment of the Dealers' Licences Act, an appeal is now allowed to the Supreme Court in all cases of the refusal of a licence to existing holders."

I have the honour to be,

Sir,

(Signed) G.T. Plowman,

Secretary to
Prime Minister.

To the Hon. Secretary,
Natal Indian Congress,
31 Leopold Street,
Durban.

/ However

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However, the community not being satisfied with the reply alluded to above, in view of the historic connection and the vital interests involved by the colonisation by the Indian community, Section 148 of the Act of Union was specifically pointed out to us as affording protection for the potential rights of the community. The Section reads as follows :

Section 148. "All rights and obligations, under any conventions or agreements which are binding on any of the Colonies, shall devolve upon the Union at its establishment."

It would be observed from the foregoing Section of the Act of Union that, since Natal - as has been reiterated more than once by the Imperial and Indian Governments - had entered into special obligations with the Indian community, those obligations have devolved upon the Union Government; and as such, no Government attaching sanctity to its pledged word, could get away from those obligations. In almost all the despatches that the Secretary of State for India sent to the Union Government, he made it plain that the policy of the Union Government was a perpetuation of the policy governing Natal since pre-Union days, and the Union Government was a consenting party to this declaration.

Soon after the passing of the Asiatic Registration Act of the Transvaal, Lord Selbourne, on behalf of his Ministers, placed on record the policy of his Government, in more than one despatch indicating that that would be the continuation of the same policy inherited from the pre-Union regime. In order to prove that that has been the dominating tone in the conduct of the past Ministry, we

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quote below what General Smuts said at the Imperial Conference in 1917 :

"I feel sure, and I have always felt sure, that once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions will be considered subsidiary and would become easily and perfectly soluble. That is the position in which we are now that the fear which formerly obsessed the settlers there has been removed ; the great principle of restricting immigration for which they have contended is on our Statute Book with the consent of the Indian population in South Africa and the Indian authorities in India. And that being so, I think that the door is opened now for a peaceful and statesmanlike solution of all the minor administrative trouble which occurred and will occur from time to time."

This weighty declaration was made on behalf of the people of South Africa - a policy which was sealed and embodied in a solemn agreement made between Mr. Gandhi and General Smuts in 1914. The same policy embodied in the aforesaid declaration was affirmed and re-affirmed in subsequent Imperial Conferences by representatives of the Government and people of South Africa. Even at the Conference of 1923, when Dr. Sapru warmly advocated the extension of the doctrine of equal rights for all domiciled Indians in the Dominions, General Smuts, though disagreeing with the resolution, did not retract the policy he had enunciated in the past. Therefore, it must be self-evident that there has been no departure from the pre-Union

/ policy

policy towards the domiciled Indian population in the Union, and any innovation in respect of the Government of the Asiatics in the Union, must be considered as a solemn breach of contract, and as such, due steps should be taken for the observance of the contract,

As was stated in a previous paragraph, the Union Government, having taken over all the obligations which Natal entered into with the Indian Government, it is the duty of the Union, by virtue of Section 148 of the Act of Union, to respect the potential rights of the Indian community in the Union; but the tendency of the present Government being such as to nullify the solemn treaties and obligations by the slogan of non-interference in the internal affairs of this country, we are obliged to ask whether the right of self-government implies the right to oppress unrepresented subjects, and also to repudiate solemn treaties and obligations ?

Having regard to the fact that the time has arrived for the Government of India to take up a firm and determined stand to vindicate the potential rights of the Indian community for a fair and honourable existence, we beg to urge that the Deputation should give their due consideration to the Indian problem in all its perspective. We conclude this by reaffirming the resolution passed at the Fifth Conference of the South African Indian Congress in reference to the holding of a Round Table Conference for finding a solution of this question :

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"That this Congress urges upon the Union Government to consent to a Round Table Conference of representatives of the Union and Imperial Governments, the representatives of India, the Indian Government and representatives of the South African Indian Congress, to consider the whole position of the Indians here and arrive at an honourable settlement."

We also venture to re-affirm the statement of our case submitted by our Deputation under the leadership of Dr Abdurahman to His Excellency the Viceroy on the 19th December, 1925.

We submit, for your information, the Resolutions passed at the fifth session of the South African Indian Congress in regard to other grievances. (See ANNEXURE 'E').

Before concluding, we respectfully venture to hope that, having regard to the peculiar position which the Indian community holds under the Constitution of the Union of South Africa, the Deputation, taking into consideration our embarrassing position, would consult the Congress which we have the honour to represent in any line of action which they may recommend to the Government of India.

/ The Congress

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The Congress, in terms of their promise to assist in the collection of information, have done as far as it lies in their power to do; and, should necessity arise, after the completion of the tour in the Cape, a final statement may be submitted.

DATED AT JOHANNESBURG; this Fourth day
of January, 1926.

We have the honour to be,

Gentlemen,

Yours respectfully,

(Sgd) V. Lawrence.

(") E. I. Asvat.

(") S. R. Naidu.

(") D. M. Nurseo.

(") A. Ismail.

(") E. M. Ally, Hon. Treasurer.

(") Mangalbai V. Patel.

(") P. S. Joshi.

Executive members of the
South African Indian Congress.

(Sgd) A. I. Kaje.

Hon. General Secretary,
South African Indian Congress,
175 Grey Street, DURBAN.

APPENDIX 14COMPENDIUM OF ANTI-ASIATIC LEGISLATION

Disabilities of Indians, in so far as the Province of Transvaal is concerned :

I M M I G R A T I O N :

Ref. Acts 22 of 1913; 22 of 1914.

Under ministerial powers conferred by Act 22 of 1913, Section 4 (1)(a), Indians are banned as undesirable immigrants.

Entry into the Transvaal Province is claimable as of right only by holders of registration certificates issued under Act 36 of 1908, by the one wife of any such holder, and by the minor children (under 16 years of age) of such union (Section 5).

Suspects are liable to arrest without warrant. Penalties, three months' hard labour without the option of fine, and removal from the Union (Section 6).

Right of entry and residence in any one Province does not include right to enter or remain in any other Province. There is no right of inter-provincial migration, and a person lawfully domiciled in any one

/ Province

Province may be a prohibited immigrant in any other, and liable to the statutory penalties.

Persons convicted of certain specified offences are liable to removal from the Union (Section 22).

Onus probandi is on the accused, to prove his innocence (Section 23).

The legal wife of an exempted person is not entitled to admission if such person has in any Province offspring by any other woman who is still living. Act 22 of 1914, Section 3 (2) (b).

The Smuts-Gandhi agreement of 1914 under which the passive resistance campaign was suspended provided that the Indians should accept the principle of restriction upon further Indian immigration to this extent, that ten newcomers per annum should be admitted apart from temporary visitors, such as priests, teachers, etc., so that the resident population should have the benefit of the infusion of some new blood. It was also understood that such newcomers must be recommended by the official representative body of the Indians, and be such as they body would select on the ground of their usefulness to the community. Such

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newcomers were to enjoy all the privileges allowed by Law to holders of registration certificates. This agreement was put into practice and the newcomers so admitted had issued to them Letters of Exemption constituting their authority to remain in the Transvaal. These Letters of Exemption were, as time went on, gradually burdened with clogs and conditions, more particularly with restrictions against trading. This is in distinct breach of the spirit of the agreement which was embodied in correspondence, though not in statute. Cases have arisen where excuses have been found to declare holders of such Letters of Exemption prohibited immigrants in order to obtain their expulsion from the Union. A recent example is the case of one Patel, who, a teacher for some months in a Government school, and dissatisfied with the conditions of his employment, left the school and took service with his brother, a Johannesburg merchant. Mr. Patel has now been served with a prohibition notice to leave the Union on the ground that he is not observing the conditions upon which he was allowed to enter.

Indian disabilities have their root in the
(Constitution) of the Old Transvaal Republic, which
Grondwet (Constitution) of the Old Transvaal Republic, which

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declares that there must be no equality in Church or State between whites and non-whites. The doctrine is still preserved.

REGISTRATION :

(Law 3 of 1885, Act 2 of 1907, Act 36 of 1908)

All male adult Indians lawfully residing in the Transvaal must hold and produce on demand to any police or other officer a registration certificate lawfully issued under Act 36 of 1908, or a Letter of Exemption issued under the Smuts-Gandhi Agreement. Temporary visitors such as priests, teachers, etc., must similarly produce their authority to be in the Province. Women and children under the age of 16 years may be called upon to prove their relationship as wives or children to one or other of the above classes of adults. The statutes above cited disclose a gradually increasing stringency. The original note struck by the South African Republic is not only sustained, but has been amplified by statute by every succeeding Government. Adult male Indians, other than holders of registration certificates, Letters of Exemption, or temporary permits, are prohibited immigrants and are liable to fine, imprisonment

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and deportation. A person may be a lawful resident of one Province and yet be a prohibited immigrant in any other. Trading licences are issuable only to holders of registration certificates. The registration certificate is a document peculiar to the Transvaal.

R E S I D E N C E :

Residence is legally permitted only in words, locations, etc., specially set apart (Law 3 of 1885 as amended 1886). Ownership of fixed (real) property outside of such words, locations, etc., is absolutely prohibited. Ownership of fixed property can in Law only be acquired through process of registration of such property in the Deeds Register. Of such words, locations, etc., as above referred to as are municipal property and residence therein by Asiatics confers no fixity of tenure. Ordinarily a monthly rental is paid and the tenancy is a monthly one.

Prior to the 1st May, 1919, fixed property might be held by limited liability companies formed of Indian shareholders, or might be held by a European trustee for the benefit of an Indian or Indians. The practice was for such European holders to pass a bond in favour of the

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beneficiary or beneficiaries, and to grant powers of attorney to enable the actual owner to deal with such property.

Act 37 of 1919 specifically deprives limited liability companies controlled by Asiatics of the right to have fixed property registered in their names, and applies the prohibition under Law 3 of 1885 to such companies. The practice of a European holder taking such property in trust and passing a mortgage bond by way of security, is likewise made impossible. Any such company controlled by Asiatics as shall have acquired the ownership of fixed property since the 1st May 1919, is compelled to dispose of same within two years from the 3rd July 1919, or by order of Court (Section 2 *ibid*). The 3rd of July, 1919, is the date of the commencement of this Act.

The Johannesburg location, known as the "Malay Location", the local habitat of Asiatic residents, is notoriously the slum of Johannesburg and for years was unspeakably neglected by the Municipality. More recently, probably through fear of infectious disease breaking out in that quarter, this location has received more attention and its conditions are now somewhat improved.

/ TRADING :

TRADING :

The restrictions as to residents under Law 3 of 1885 were held not to include occupation for purposes of trade (Motan versus Transvaal Government, 1904 T.S., p.404.) This was a test case brought against the refusal of a licence to trade on a stand in the City of Pretoria. The refusal was based on the construction placed by the authorities on Law 3 of 1885. The Supreme Court held that "residence" did not include "trading".

The Gold Law (35 of 1908 amending Law 15 of 1898) restricts Indian residence on or occupation of any ground held under any right granted under the Gold Law, and further restricts the residence by any coloured person (which term includes Indian) on proclaimed land in Johannesburg, Boksburg and Krugersdorp, save locations as provided by Law 3 of 1885. The whole of the Witwatersrand is a proclaimed gold bearing area. The term "occupation" has been held to include "occupation for purposes of trade". The prohibition is not applicable to coloured persons in the employ of white persons who live on their employers' premises, nor to coloured persons lawfully in occupation at the commencement of the Act.

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Act 37 of 1919, Section 1, amends the above to the extent that it excepts any British Indian who, on the 1st of May, 1919, was lawfully trading on such a stand of to the lawful successors in title to any such in respect of such business so long as such British Indian or his successor in title continues to carry on business in the same township in which it was being carried on the 1st of May 1919.

Act 34 of 1908, amending the Townships Act of 1907, must be read together with the Gold Law of 1908. Its effect is to prevent the sale of stands in townships in leasehold and to compel such transactions to be made in freehold only. Indians are thereby effectively debarred from acquiring any colour of ownership under cover of leasehold title. Leasehold grants running at the date of the passing of this statute were required to be converted into freehold within a defined period. The statute was designed to close any loop-holes that any defects in earlier anti-Asiatic legislation might have left.

Traders in town generally require to take out one licence termed a Revenue Licence, issued by the Government and another licence issued by the local municipality. The

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municipality controls the licences held by vendors of foodstuffs, and applications must be made to a Board elected by the municipality. One result of the anti-asiatic agitations has been a long series of refusals of Indian applications for such licences, and in some cases of renewals of old licences on the ground that Asiatics are regarded as undesirable persons to handle foodstuffs. A notorious example is that of Mr. M.M. Dadoo of Krugersdorp, a sometime partner in the firm of Chotobhai and Dadoo and more recently his successor in business. Mr. Dadoo is the proprietor of probably the largest department store in Krugersdorp. His grocery department requires to be licensed by the Municipality as above indicated. His licence was refused one year on the score of his unsuitability as an Asiatic.

The Gold Law specifically refuses to Asiatics and coloured persons the right to carry on business as jewellers or workers in precious metals. It also debars Indians from prospecting for gold, or holding claims in gold bearing areas.

/ EDUCATION :

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E D U C A T I O N :

TRANSVAAL (Act 25 of 1907):

Non-whites may be supplied only with primary education; secondary and higher education is for whites only (Chapter 4.). No coloured children may be admitted or be a pupil or member of any school, class or institution other than such as are set apart for non-Europeans (Chapter 5.). The education of Indian children ordinarily proceeds in the same schools with Native and Cape Coloured children. There are some Indian schools originally privately founded and since adopted by the Government.

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~~SECRET~~

19th December, 1925.

His Excellency
The Viceroy of India,
D E L H I, INDIA.

My Lord,

I am instructed by my Committee to acknowledge receipt of your cablegram replying to mine of the 24th October and to express my Committee's gratitude therefor. In reply thereto, I am directed to say as follows :

My Committee note that the terms of your cablegram are based upon information conveyed to you by the Union Government. This information, in the respectful opinion of my Committee, is misleading, and in inaccurate reflection of the true position. My Committee, therefore, desire me to invite your attention to the following data :

During the course of the Passive Resistance Campaign, a compromise was arrived at between Mr. Gandhi and General Smuts whereunder it was agreed that the South African door to Indian immigration should not be wholly

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closed and that the principle of non-discrimination against Indians as such should be preserved by the admission into three Provinces of the Union, the Cape, Natal and Transvaal, of two classes of Indian entrants in addition to these Indians entitled to enter under the Statute Law.

These two classes were (a) a small number of educated entrants, some ten for each Province; (b) priests, teachers and the like. Class (a) was to consist of persons recommended by the resident communities as being desirable from the point of view of utility to the particular community recommending them. Those admitted under this heading were to receive special certificates of exemption and be entitled to all the rights and privileges enjoyed by Indians domiciled in the Union except that under the existing Law licences to trade could not be issued to them. With this exception, neither their introduction nor their presence was to be clogged or conditioned.

Class (b) was to consist of priests, teachers, etc., on temporary visits to the Union, to meet the needs of the communities in regard to the callings of such entrants.

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To them was to be issued temporary permits covering their stay for a limited period, but which might be renewed as occasion might require. At the outset the exemption certificates issued to Class (a) were strictly in terms of the Gandhi-Sarda agreement. Gradually, however, a change in the form of the exemption certificates was introduced, until eventually conditions were imposed in violation of the original understanding.

As soon as this departure from the letter and spirit of the agreement was brought to the attention of my Committee, my Committee promptly entered protest. Indeed, for a lengthy period my Committee, by way of protest, refused further to recommend - as it had hitherto been the acknowledged practice for them to do - the names of the quota allocated to this Province.

Furthermore, in the course of lengthy correspondence extending over more than three years, my Committee have emphatically repudiated the right of the Government to make the departure introducing the conditions which your cable now refers to as having been "flagrantly violated".

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My Committee asks you to be good enough to allow them to refer you to the following quotations, in order that you may be convinced of the bona fides and the justice of the position they have adopted :

Letter of the 30th April, 1919, from Mr. H. E. Shaw, Acting Secretary for the Interior, with reference to a deputation that waited upon the Minister of the Interior (Sir Thomas Watt) on the 1st February :

(8) "Admission of educated entrants from India to Cape and Natal Provinces.

"Under the arrangement at present existing
"educated entrants from India are admitted to the
"Cape, Natal and Transvaal Provinces to the extent
"of ten for each Province per annum. In addition
"to this, temporary permits are granted in those
"Provinces to persons requiring admission as priests
"or teachers to the Indian community, and so long as
"the persons admitted carry out the vocation of the
"office for which they were admitted, the temporary
"permits are automatically extended on representa-
"tion from the school authorities or the community
"affected."

My Committee submit that it is clear from the context that the "conditions" in the above paragraph refer only to the priest and teacher class admitted on temporary

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permits, and this contention is further borne out by the terms of the following paragraph from the same communication:

(19) "Exempted Indians in the Transvaal should be placed on the same footing as those holding registration certificates."

"Holders of Letters of Exemption are entitled to all privileges possessed by Indians in the Transvaal who are there under Registration Certificates, but as the law stands at present, it is impossible to secure trading rights to holders of Letters of Exemption. It is hoped that the Select Committee previously referred to will deal with this matter in their report to be presented to Parliament."

As far back as the 16th September, 1922, my Committee had occasion to address a lengthy and emphatic protest in writing to the Secretary for the Interior, expressing its disagreement with the interpretation then attempted to be placed upon the expression "for some special purpose connected with the general welfare of the Indian community". The necessity for so doing arose out of an attempt even then made to read into those words "for religious or teaching purposes." It was pointed out by

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my Association that "obviously" the general welfare of a community could not be secured by any number of religious preachers and secular teachers alone." My Committee likewise ventured to express its fears that the adoption by the Union Government of this reading suggested its intention to reduce by successive encroachments the operative value, scope and effect of the exemption certificate to the zero point.

This is the position consistently maintained by my Committee throughout, both through the medium of deputations and in correspondence. In a lengthy communication addressed by my Committee to the Minister of the Interior as lately as the 2nd October, 1925, emphasis is once more laid upon the departure by the Union Government from the original terms of the Gandhi-Smuts settlement. It is again pointed out in regard to the exemption certificates that the class herein referred to as Class (a) was to consist of a sufficient number of educated persons available for the purposes of carrying on the communal work of the community, and that in addition to this class, temporary permits were to be granted where the admission of

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ANNEXURE 'C'.

Extract from a letter dated 30/4/1919 from the Dept. of Interior

DEPARTMENT OF THE INTERIOR.

At Cape Town,

30th April, 1919.

Sir,

With reference to the deputation from the conference of the Indian community which waited upon the Minister of Interior on the 1st February last in connection with certain matters which the Conference wished rectified, I am directed by Sir Thomas Watt to advise you that he has now fully enquired into the representations then made and wishes me to reply as follows :

In looking through the representations made by the members of the deputation, I have noticed that while some of the items are essentially provided, others affect the Indian community as a whole in the Union of South Africa, and I have therefore dealt with those affecting the Union in one reply instead of dealing with the representations as they were made to the Minister by representatives from each of the Provinces.

- (1) Restricted free movement of Asiatics throughout the Union.

The provisions of sub-section (2) of section 4 of the Immigrants Regulation Act, 1913, (No. 22 of 1913) have in the past been carried out strictly in accordance with the law in so far as the movements of Indians between the Cape and Natal are concerned. In regard to the other Provinces, it should be borne in mind that prior to 1914 Immigration Officers only were authorised to issue permits in favour of Indians travelling from the Province to another, but as the result of the Solomon Enquiry Commission of 1914, all Magistrates were empowered to issue such permits excepting only in the cases of a permit required for business purposes. At the present time, however, permits are also issued for business purposes to the extent of one permit per individual per year. Special cases of hardship can be represented to the Minister

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and will receive careful consideration.

(2) Asiatic Trading Licence Difficulties.

This question, admittedly, raises wide consideration, and, as you are no doubt aware, is at present forming the subject of a Select Committee of Parliament which will no doubt report very shortly the result of its findings. No definite reply can therefore be made at the present time pending the issue of the report of the committee, but it should be borne in mind that legislation will be necessary to deal with this matter satisfactorily. A reply under this head will be communicated to you as soon as Parliament has further dealt with the matter.

(3) Ownership of Fixed Property.

This question also must remain in abeyance pending the report of a Select Committee referred to in the reply to No. (2)

(4) Hardship and injustice done to Cape Indians in regard to the admission of their bona fide wives and children who join their husbands or parents in South Africa.

This matter was also dealt with very fully by the Solomon Enquiry Commission in 1914, and, as the result of the recommendations made by that Commission, forms were prescribed which had to be completed by the applicants and sent to India in order to secure the admission of their wives and children. As far as the experience of the Department is concerned, there have been no difficulties where the procedure advocated by the Commission has been followed, and unless specific instances of hardship are quoted it is not possible to give a reply in a general question of this nature which, as stated, was fully enquired into by the Commission and satisfactorily provided for.

(5) System of the authority regarding the Indians giving thumb impressions when application is made for identification certificates.

It is not quite clear what "system of authority" is referred to. The certificates of Identity in use provide for

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the identification marks of the holder to be furnished and departmental requirements can only be met if such identification marks are given in the form of thumb impressions.

- (6) Difficulty of inter-provincial travelling of domiciled Indians by means of depositing systems of £11 in temporary visiting of administrative provinces.

This has already been referred to under No.(1), but it may be added that deposits are required by law and are necessary to secure compliance with the conditions of the permit. It may be mentioned, however, that deposits have, in the past, been waived in exceptional cases, and this policy will be continued in the future.

- (7) Difficulty Indian Passengers have in obtaining boats from India, and in securing passports.

From a communication recently received from the Home Office it is hoped that the difficulties as regards passages have now been removed. It should be remembered that owing to war conditions shipping was extremely scarce, and therefore the Indians had to suffer the same inconvenience which Europeans have experienced in connection with shipping from England.

As far as the question of passports is concerned, under present arrangements no such documents are necessary, as the Certificate of Identity which Indians take out when proceeding to India is sufficient authority for their re-admission to the Union after the endorsement of the certificate by the authorities of India.

- (8) Admission of Educated Entrants from India to the Cape and Natal Provinces.

Under the arrangement at present existing, educated entrants from India are admitted to the Cape, Natal and Transvaal Provinces to the extent of 10 for each Province per annum. In addition to this, temporary permits are granted in those Provinces to persons requiring admission as priests or teachers

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to the Indian community, and so long as the persons admitted carry out the vocations of the office for which they were admitted, the temporary permits are automatically extended on representation from the school authorities or the community affected.

- (9) Representations regarding the estate of Mahomed Essack valued at £40,000.

Owing to representations which have been made on behalf of the heirs to this estate authority has now been given for their admission on temporary permits for a period of not exceeding six months to enable them satisfactorily to conclude the business of the estate.

- (10) Delays to Indians returning from India to the Cape via Natal, and being required to deposit £11 on arrival.

It should be borne in mind that Indians travelling to India are not required to take out passports which carry a revenue stamp of £1, but are supplied with certificates of identity carrying a face value of 2/6d only. If the ships by which the Indians are travelling proceed to the Cape, Indians domiciled in that Province are necessarily required to continue their journey by sea to their destination. Every effort, is, however, made to prevent delays, and when such delays are likely to be extended or the ship does not proceed to a Cape port, arrangements are made by the Principal Immigration Officer for the passengers to proceed by rail.

- (11) Purdan ladies coming from India are subjected to an examination by male officers, which is resented by the community.

It is necessary to exercise the greatest care under the Immigration law, more especially as cases have come to notice in which Indians have endeavoured to introduce male relatives in the garb of females. The Immigration Officers have strict instructions not to offend the susceptibilities of those concerned, and no representations have been received that any

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officer has failed to carry out those instructions. The number of female entrants is so few that the employment of female officials to deal with such entrants cannot be justified for reasons of economy.

(12) Admission of plural wives and children to join their husband or father.

This question was also fully enquired into by the Solomon Commission in 1914, and no facts are advanced to show in what respect the compact is not carried out. Indian Societies and Associations were requested, in terms of the agreement with Mr. Gandhi, to submit by a certain date, lists of wives and children coming within the terms of the compact. The information furnished was, however, not found sufficient to enable the Department to deal with the cases and an arrangement was made under which each case was dealt with on its merits. Several such cases have been considered and the admission of the plural wife or child agreed to.

(13) Holding of Appeal Board sittings at office of the Immigration Officer.

No facts have been advanced to prove that the holding of the sittings of the Appeal Board at the office of the Immigration Officer is not conducive to inspire confidence in the verdict of the Board. It should be remembered that all records are in the Immigration Offices and much difficulty and inconvenience would be caused by holding the Appeal sittings away from those offices and would result in adjournments being asked for the production of other records and thus waste the time of the officials.

It should be mentioned also that no charges have been made against the personnel of the Appeal Boards, and unless clear proof can be adduced that justice has not been administered by the Boards, it is regretted that a change in the present procedure cannot be agreed to.

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- (14) Indians returning from India, on reaching Natal, are detained on board the steamer one or two days without rhyme or reason, even though their permits are in order.

It is impossible to deal with a general statement of this nature. If instances of delay have occurred, it is advisable to quote such cases, giving full details, in order to enable further enquiries to be instituted.

- (15) A Transvaal born Indian named R.K.Naidoo, now residing in Natal, applied for registration certificate, but the Registrar of Asiatics declines to give same.

This man came to the Transvaal in 1910 merely for business purposes. He applied for registration in 1911, but after full enquiry it was found that he had no claim, having been born in Natal, which circumstances was duly certified on a Colonial born pass of which he was the holder. Later on he attempted to persuade the authorities that he was actually born at Johannesburg and then again at Krugersdorp. Under the circumstances it is clear that a registration certificate for the Transvaal was rightly withheld from Mr.Naidoo.

- (16) An Indian merchant named J.B.Metna applied for a permit to bring in his prospective wife, as his first wife in Natal became insane and had to return to India, but the authorities refused.

This is a matter which can only be dealt with under the laws obtaining in the Union which prevent the admission of a wife under such circumstances.

- (17) By virtue of Section 3 of the Indian Relief Act it deprives an Indian who has divorced his first wife and has children of the first wife in the Union, the right of bringing in his second wife.

The introduction by Indians of wives married after the divorce of the first wife has, as the result of representations by the Transvaal British Indian Association in October last, been agreed to on the condition that the man has no other wife in South Africa.

- (18) The Immigrants Regulation Act, No.22 of 1913

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is harshly administered; and especially where Indians desire to enter the Transvaal through Delagoa Bay they are subjected to delay and sometimes indignities at Komatipoort.

Owing to the large number of clandestine entries of Asiatics to the Union via Portuguese territory which have taken place in the past, it is necessary for the credentials of all Asiatics to be carefully examined at Komatipoort and where there is a large number of passengers on the train, delays are inevitable. Every endeavour has been made not to give offence and expedite the examination, and Indians have been told that if they feared delay at Komatipoort they should leave Lourenco Marques by the morning train which arrives at Komatipoort in amply time for the examination to be concluded before the arrival of the fast through train at that station. Instructions have recently been issued to the Principal Immigration Officer to proceed to Komatipoort to enquire into these charges of delays and indignities in order to provide further facilities and to prevent delays in the future.

(19) Exempted Indians in the Transvaal should be placed on the same footing as those holding registration certificates.

Holders of Letters of Exemption are entitled to all privileges possessed by Indians in the Transvaal who are there under Registration Certificates, but as the law stands at present it is impossible to secure trading rights to holders of letters of exemption. It is hoped that the Select Committee previously referred to will deal with this matter in their report to be presented to Parliament.

(20) The recommendation of the Solomon Commission is not carried out to the letter.

You have already been communicated with and asked in what respect the recommendations of the Commission have not been carried out, as it is impossible to deal with a general statement of this nature.

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- (21) Unions contracted in accordance with the tenets of Hindoo and Mohammedan religions are not recognised, the wife and progeny of such unions are declared illegal and illegitimate, which required remedying.

As the result of the report of the Solomon Enquiry Commission of 1914 and representations made by the Indian community at that time, legislation was provided for under Act No. 22 of 1914, but the Minister regrets that the Indian and Mohammedan communities have not taken advantage of the provisions of Section 1 of that Act. The matter, is therefore, one entirely in the hands of the Indian and Mohammedan communities themselves.

- (22) The settlement arrived at between Mr. Gandhi and the Government in regard to the sympathetic administration of the laws, with due regard to vested rights, has not been carried out, the Government taking up an attitude which is totally contrary to their undertaking.

The question of "vested rights" also fails with the enquiry now proceeding before a Select Committee of Parliament, but it is not stated in what other respect the Government has failed in its duty to the Indian community, and unless details can be given it is impossible to reply to this charge.

- (23) Repeal of laws governing indentured Indians, and statement that existence of Indian Immigration Trust Board is not in the interests of the Indian labouring class.

The community is well aware that no more Indians are coming from India for purposes of indenture and that the matter of renewal of indentures by the existing Indian community in Natal is entirely in the hands of the indentures persons when their indentures expire. It should be mentioned that the Trust Board is not maintained at the expense of the general community and it is not shown how the Board's existence is against the interests of the working class of the Indian population. If reference is made to the Indian labouring class in whose interest the Medical Fund is established and continued apparently the

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Conference had no knowledge of the thousands of Indians who have medical advice and treatment in hospital without cost to themselves ever since the fund was originated. The Indians apparently have the impression that the medical fee is payable by them and that it is a sort of tax upon them. The fact is that the fee is payable by the employer and is an insurance for free medical attendance of the employees and is therefore for their benefit, not for their hurt in any way socially or politically.

The general statement in regard to the Board should, if further action is necessary, be substantiated by facts.

(24) Policy of differentiation pursued by the Government towards Indian subjects; Request to introduce legislation for the extension of the franchise to all civilised subjects residing in the Union.

The Government cannot at present see its way to promise to introduce legislation as requested.

There are a few other points outstanding in connection with the representations made by the deputation from the conference, and you will be further communicated with as soon as replies have been received from other Departments of State who are collecting information on the subject.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) H. B. SHAWNE.

Acting Secretary for the Interior.

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O P I N I O N

The effect of Ordinance 11 of 1925 is to place the control of general dealers' licences under local authorities and Municipal Councils, and these bodies are empowered within the very wide limits of the Ordinance to sanction or veto any individual from opening or continuing the business of a general dealer. Under Section 2 the issue of a certificate by a local authority is made a condition precedent to the issue of a general dealer's licence or the renewal thereof by the Receiver of Revenue.

Section 7 confers the widest powers on local bodies with regard to the refusal to grant the requisite certificate to any particular applicant for a licence or the renewal thereof, and the withholding of such certificate is entirely dependent on the discretion, in substance unconfined and unlimited, vested in such bodies. The mere recital of the grounds on which the local body may refuse the grant of a certificate shows how unfettered a discretion is conferred on local bodies; the right of refusal being based on any of the following grounds, the sole and ultimate arbitrament and decision on any of such grounds being vested solely in such particular local authority :

- (a) The suitability of the premises on the grounds of structure, situation, sanitation, or generally ;
- (b) The suitability of the locality; (c) That in the opinion of the local body the applicant is not a fit and proper person. It is impossible to conceive a wider and more unfettered discretion being conferred, the sole trust being the opinion of such body, and the applicant's

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only address against a refusal on this ground would be to establish that such opinion was mala fide and based entirely on improper grounds, whereof the onus of proof would be extremely difficult to discharge. The point must be stressed that the opinion, and not the grounds on which it is based, is the sole test. The refusal of the local body under Section (3) would not be impeachable in the absence of proof either of mala fides or that the local authority did not consider the application.

Where comestibles are sold, two further grounds are set out : (d) that the applicant is by reason of the uncleanliness of his person, or habits, or methods, unfit to carry on such a business, or is otherwise an undesirable person; (e) that the trade in respect of which the licence is sought is calculated to cause a nuisance.

With regard to new licences, no appeal lies from the local body's decision, Section 9 providing that its decision shall be final and shall not be liable to review, renewal, or alteration by any Court of Law. A right of appeal is conferred with regard to the renewal of a licence, but in fact the right conferred is largely illusory because the Appellate Tribunal would be limited to an inquiry as to whether a discretion was in fact exercised, i.e., whether the local body acted mala fide or refused to direct its mind to the consideration of the application, or had gone outside the limits and beyond the purview of the Act; see Randfontein Club v. Chief Magistrate 1906 T.D. 34; Ermelo Municipality v. Ibrahim T.P.D. 355; Board of Education v. Rice, 1911 A.C. 179; Wainberger v. English 1919 A.C. 605; Doyle v. Shanker 1915 A.D. 233; Britten v. Pope 1916. A.D. 150.

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The next point that arises for consideration is how far Asiatic traders within the Province are affected by the Ordinance. In view of the very wide powers that are conferred on local bodies under the Ordinance, it is clear that Asiatic traders would be placed largely, if not entirely, at the mercy or goodwill of each particular local authority, and because of the notorious anti-Asiatic feelings and views of a number of local bodies, it is clear that the Asiatic trader's position must of necessity become precarious and his business standing and stability reduced to a most unsecured and parlous state. Where Asiatic prejudice exists, it would necessarily follow that where the applicant is an Asiatic, his application as to whether he is a fit and proper person in terms of Section 6 (3) would be considered through the glasses of antagonism and prejudice.

It is true that the decision in our Courts lay down that the refusal to grant a licence on the basis of class distinction will not be sanctioned. See Maatjes v. Rex, 1910 E.D.L. 63; Banu v. Grahamstown Municipality ibid 346; Nikie Ltd. v. Boksburg Municipality 1918, W.L.D. 92; Suliman Tayob and Co. v. The Potchefstroom Magistrate, 1920 T.P.D. 284. In the last case the Court held that the Municipal Council was not entitled to have regard solely to the fact that the applicant was an Asiatic and without considering any personal grounds to treat him as a member of a class and to refuse his licence. At page 286 the judgment sets out :

"The Municipal Council admits quite freely that they did not consider the application of this applicant

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from a personal point of view. The clerk of the council gave evidence, and he gave it very fairly. He says : 'The merits or demerits of the particular applicant were not entered into. They discussed the methods of trading by Indians and their mode of life. In the discussion that ensued the question of the small rate of pay to the employees was mentioned, the low standard of living and the annoyance occasioned to their European neighbours owing to their personal habits. Reference was also made as to the doubt as to the legality of their residence in town at all, and whether they should not be confined to the Asiatic Bazaar. Reference was also made to the danger of possibilities of improprieties between unprincipled Indians and the low-class European woman. The cumulative effect of this was that the applicant was an undesirable person'

In law it is clear that the ordinance cannot be interpreted as setting up any class differentiation against the Asiatic section of the trading community. This legal limitation, however, is not of great practical importance because every Asiatic applicant runs the danger of refusal, on the ground that the local authority is of opinion that he, on personal grounds, is not a desirable person, the only requirement being that his application should be considered on the merits and on grounds personal to himself. In practice the distinction would be very difficult to draw especially as the further point must be stressed that in the refusal of a licence the local body need not give any grounds for its refusal beyond stating that in its opinion one or more of the grounds set out in Section 6 of the Ordinance applies.

Asiatics may be prohibited if the Draft Bill of Class Areas Reservation is enacted as law from trading or residing in any particular area or portion thereof, and it would be competent on this ground for a local body to refuse certificates to all Asiatics within the area or portion thereof to which the provision of the proposed Class Areas Act may extend.

Section of the Ordinance placed no restriction on the right of any person within the area to object to the grant of the requisite certificate by the local authority. It would be entirely within the discretion of the local authority to decide whether any objection is frivolous. Every person so resident is given the free right of objection, and I cannot conceive any remedy that might be available to any applicant for a licence against an objector whose objection might be found to be frivolous and groundless, nor would the applicant have any recourse against any body or person for the recovery of any extraordinary expense, or on the ground of inconvenience incurred because of such frivolous objections.

The Ordinance makes no provision for the continuance of a business pending appeal, and on the strict wording of the Ordinance the licence would be in suspense pending the decision of the appeal. The sole remedy open to an applicant whose renewal has been refused, or whose licence or certificate suspended, would be to continue his trade against the will of the Municipality pending the appeal at the risk of a prosecution, in the event of the appeal being unsuccessful. The suspension set out in Section 11 is merely pending the erection or completion of buildings, and would have no application to a case where an appeal is pending.

It is of the opinion that the Licensing Ordinance is intra vires the powers of the Provincial Council, under Section 85 of the South Africa Act, and also in terms of Section 12 (2) of Act No.46 of 1925, which provides :

"A Provincial Council may make Ordinances providing for the imposition of fees and duties by and for the benefit of a municipal or local authority in respect of any trade or occupation which for special reasons it considers should be subject to inspection or supervision by such municipal or local authority, notwithstanding that such trade or occupation is one in respect of which licence duties are payable under such consolidated licences law of Parliament."

Sub-section 3 further gives power to the Provincial Council to make ordinance for the regulation, inspection and control of licences where it does not effect the duties or fees to be paid in respect of such licences. Further, under Section 85 of the South Africa Act the power to regulate, supervise and control licences would be intra vires the Provincial Council. See Middelburg Municipality v. Gertzon, 1914, A.D. 544 :

"In the case before us authority is given to make laws relating to municipal institutions. The due exercise of that authority involves something much more than the mere creation of a municipal council. The Corporation called into being must have extensive powers to control the actions of individuals in the interests of the community..... I think we may say that the legislative authority committed to the Council must (in the absence of manifest intent to the

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... to be taken to include all powers properly required to effect the purpose for which it was conferred..... It must by necessary implication be held that all powers are given fully to carry out the object of the enactment, although subjects such as civil rights and procedure, may be apparently interfered with. The authority given to the Provincial Council to make Ordinances with regard to any specified subject must be taken to include such legislative powers as are reasonably required to carry out the objects of the enactments, that is, to deal fully and effectively with the subject assigned."

See too, Johannesburg Consolidated Investment Company vs. Marshalls Township Syndicate, 1917, A.D. 662, where the law is exhaustively considered.

It is suggested in my instructions that the Ordinance may be impeachable on the ground that the powers vested in the local authority are too wide and would most probably develop in class or race legislation. This contention, however, in my opinion, is not sound. The powers given cannot be held to be otherwise than reasonably requisite for the issue, regulation and supervision of trading licences. The Registration Ordinance of 1909 is not material to the present inquiry, and the power of the Provincial Council to trespass on such Ordinance is expressly given by the section referred to of Act 46 of 1925.

(Signed) W. E. ROSENBERG.

Chambers,
JOHANNESBURG,
11th December, 1925.

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R E S O L U T I O N S :

The following resolutions were passed by the South African Indian Congress at its fifth Session held in Capetown on the 9th, 10th, 11th and 12th November 1925 under the deputy-presidentship of Mr. A.H. Gool :

1. That this Congress views with profound consternation and alarm the growing hostility to all legitimate desires and aspirations of the Indian population of the Union, and places upon record that such hostilities are opposed to all the accepted principles of British fairplay and justice, and calculated in their final effect to destroy British prestige. (Proposed by Advocate J.W. Godfrey and seconded by Mr. A.A. Mirza).

2. That this Fifth Session of the South African Indian Congress in conference views with alarm the Areas Reservation and Immigration and Registration (Further Provision) Bill which is in violation of the 1914 Gandhi-Smuts Agreement and has for its object the compulsory segregation of Indians, the deprivation of their proprietary rights and ultimate elimination of the Indian community, as openly declared by the Minister of the Interior, and begs to submit to the Government that on a matter of principle the Indian community of South Africa oppose this Bill in toto. (Proposed by Advocate J.W. Godfrey and seconded by Parsee Mancherjee).

3. That this Congress urges upon the Union Government to consent to a Round Table Conference of representatives of the Union Parliament, representatives of India and of the Imperial and Indian Governments and representatives of the South African Indian Congress, to consider the whole position of Indians here and arrive at an honourable and amicable settlement. (Proposed by

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Advocate J.W. Godfrey and seconded by Mr. A.M. Chetty).

4. That Messrs Amod Bayat, Sorabjee Rustomjee, V.S.C. Pather, E.M. Ally, M.A.H. Moosa, Shaik Himed, S.R. Naidoo, M.K. Gandhi, J.W. Godfrey, Yusuf Hawa, P.L. Dawson, A.M. Haffejee, Shaik Ismail, M.G. Patel, D.M. Nursoo, Hajee Ebrahim Dindar, Vally Mahomed, and Goolam Rasool, be and are hereby appointed to interview the Minister of the Interior and place before him the foregoing resolutions. That the Executive be empowered to add such other members as the Provincial bodies nominate. (Proposed by Mr A.I. Kajee and seconded by Mr. L.C.B. Ephraim).

5. That this South African Indian Congress in conference assembled, hereby decides upon a deputation to proceed to India, and that the following gentlemen form the deputation, viz., Dr. A. Abdurrahman, on behalf of the Cape, Mr. A.A. Mirza on behalf of the Transvaal, and Messrs Amod Bayat, Pundit Bhawani Dayal, V.S.C. Pather, Sorabjee Rustomjee and J.W. Godfrey on behalf of Natal, with power to the Executive to add or nominate another in place of any of the above gentlemen unable to proceed, and with power to the delegates to co-opt in India any person who is a member of any of the constituent bodies. Delegates to proceed immediately the Executive so decides. (Proposed by Mr. A.I. Kajee and seconded by Mr. S. Cassoojee).

6. That each Province bear the expenses of its own delegates. (Proposed by Mr. A. Ismail and seconded by Mr. A.M. Chetty).

7. That this Congress reiterates :

(a) That it is of the conviction that the deeming order of the Minister for the Interior declaring all

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Asiatics for the purposes of the Immigrants' Regulation Act as prohibited on economic grounds, is insulting, degrading, unfair and unjust to the Indian community, and that in its application unmistakable injustice resulted, in that children of persons having dual domiciliary and statutory rights have been debarred from the full enjoyment and exercise of such rights and that it is the source of injustice happening to Indians.

(b) That inter-provincial visiting can only be obtained under and in compliance with what are considered to be irksome Regulations. It is again asked that the deposit of £10 be dispensed with wherever the Immigration Officer or the Magistrate is satisfied with the education, commercial, professional or social standing of the applicant.

(c) That the form D.I.4 is as complicated and intricate as D.I.90, and Congress urges that form D.I.7, with the elimination of the requirement on the back thereof will meet the cases of applicants who have already filled in D.I.90 and to whom an Identity Certificate has already been issued. That an Identity Certificate once granted to an Indian should remain in his possession and be his property like the domicile certificate issued under the now repealed Natal Immigration Restriction Acts.

(d) That the Executive be requested to ask the Government of India to dispense with Certificates of Identity required by it in lieu of passports as a war measure, as the continuance of such a demand by it for such Identity Certificates is a source of trouble and injustice happening to Indians, and as such, certificates should not be demanded of its own Nationals.

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(e) That the Right of Appeal against the decision of an Immigration Officer be extended from three to seven days in the discretion of such Immigration Officer, in the event of a ship not leaving at the date on which it was expected to leave when the time limit to appeal was fixed by the Immigration Officer.

(f) That the Immigrants' Appeal Board should, in view of the jurisdiction of the Courts being ousted, be constituted of men of legal training and experience, in fairness to applicants. That an appeal from the Immigrants' Appeal Board to the Supreme Court be allowed both on facts and law. That in view of the liberty of the subject being involved in immigration cases, sittings of the Immigrants' Appeal Board should take place in the Court House, and every facility be given for the attendance of the public and for the publication of its proceedings.

(g) That the holder of an Identity Certificate, if he does not return within three years, should not when he does come be subject to further examination, as such examination is not required if he returns within the three years.

(h) Requirement of thumb impressions from Indian women on Immigration Forms be dispensed with.

(i) That owing to the difficulties arising from delay in the arrival of D. I. form 91 completed from India, it is asked that bail be fixed at £10 at the highest pending establishment of the right of the entrant, and that in lieu of D. I. 91 for the certification of the relationship of the wife and children of an Indian domiciled in the Union to enable them to enter South Africa, a certificate of such relationship issued by a first-class

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Magistrate in India be accepted by Union Immigration Officers. That where an entrant is not able to find bail, he or she be detained and given an opportunity to take the matter of his or her prohibition before the Immigrants' Appeal Board without being required to find either bail or appeal or other fees in view of the liberty of a subject being at stake. That the appeal fee of £25 is unreasonable, and it is suggested that it be reduced to such sum as is found usually to cover the costs of appeals before the Immigrants' Appeal Board.

(j) That women examiners to the Immigration Department be appointed to meet the religious susceptibilities of Indians in regard to their women. That waiting rooms be provided for women in the Immigration Offices.

(k) That in regard to transit permits Immigration Officers be instructed to exercise their discretion in the extension of such permits on reasonable grounds, and not on medical grounds alone.

(l) That as was understood at the time of the passing of the Immigrants' Regulation Act, Natal-born Indians and Cape-born Indians should be allowed to return to their respective Provinces on the production of their birth certificates.

(m) That instructions to the Principal Immigration Officer, Durban, to restrict the time limit for the introduction of wives and children of Indians from India, to six months from date of permission be withdrawn.

(n) That the notice served on a number of Indians in the Transvaal, declaring them prohibited immigrants, who were permitted to enter and acquire a
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domicile in that Province by special exemption certificates, is illegal, improper, and in distinct violation of the understanding upon which they were issued, and this Congress urges the Minister of the Interior to withdraw such notice. (Proposed by Mr. A. A. Mirza and seconded by Mr. D. L. Nursoo).

(8) That this Congress reiterates its objection generally to the principle and incidence of the Indian Immigration Laws on Indians and their descendants introduced to this country, and this Congress asks for the repeal of such laws so that Indians as British subjects may come under the ordinary laws of the country. (Proposed by Mr. A. I. Kajee and seconded by Mr. E. J. Choonoo).

(9) That the South African Indian Congress assembled in conference strongly protests against the Transvaal General Dealers' Control Ordinance 1925 as an Ordinance intended to curtail the trading rights of Transvaal Indians, and requests that the said Ordinance be either repealed or amended so as not to operate harshly against the Indians. (Proposed by Mr. A. A. Mirza and seconded by Mr. D. L. Nursoo).

(10) That this Congress make representations to the Union Government for the amendment to Act No. 35 (35) of 1908 (Transvaal), known as the Gold Law, which debar Indian goldsmiths from conducting their legitimate calling in the Transvaal. (Proposed by Mr. S. M. Rahim and seconded by Mr. L. D. Barmania).

11. That the cause of all disabilities which the Indians in the Transvaal Province labour under being by reason of their status being held lower than that of

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the Europeans, this Congress records its respectful but emphatic protest against the maintenance and retention of the differential and discriminating laws in that Province, and urges upon the Government the imperative necessity of repealing or otherwise amending or altering all such laws so as to divest them of their present discriminating and differentiating character. (Proposed by Mr. D.L. Nursoo and seconded by Mr. T.C. Moodley).

12. In regard to the Public Health Act and the Public Health Ordinance of Natal, the validity of which is now being tested in the Appellate Division of the Supreme Court of South Africa, this Congress instructs the Executive to take such steps as it may deem necessary, as soon as the Court's decision is known, to safeguard the interests of the Indians affected by such decision or subsequent action of the Government. (Proposed by Mr. A. I. Kajee and seconded by Mr. B. Maharaj).

13. This Congress reiterates its protest against the differential treatment based on race under the Railway laws of the country. (Proposed by Mr. Goolam Rassool and seconded by Mr. E.L. Moolla).

14. That the Secretary make full inquiries into the matter of the Government desiring the registration of Asiatics made compulsory in the districts of Utrecht and Vryheid, and place all correspondence before the Executive at the first opportunity. (Proposed by Mr. V.S.C. Pather and seconded by Mr. A.I. Kajee).

15. That this Congress reiterates that it is of the opinion that in view of an interpreter being expected to be qualified in several languages, and to

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assist in the administration of justice and to live in ordinary comfort, the scale of salary fixed by the Government is inadequate and beggarly, and strongly protests against the Government disregarding the recommendations of the Public Service Commission on this subject, and urges that the Government's reply that the remuneration to interpreters is not beggarly because interpreters could be found, is not proof that the interpreters are satisfied with the scales of pay allowed to them, as it is known that they are not satisfied with the pay they receive.

(Proposed by Mr. A. A. Mirza and seconded by Mr. Jack Hoodley).

16. That this Congress reiterates that the present scale of witness fees paid in the Law Courts of the Union is unfair and degrading to Indians as Indians, and should be based not on racial grounds but on the status of the witnesses. (Proposed by Advocate J. W. Godfrey and seconded by Mr. J. P. Bhaga).

17. That this Congress makes representations to the Union Government to appoint members of the Indian community in the different Provinces to the offices of Justice of the Peace and Commissioner for Oaths. (Proposed by Mr. V. S. C. Pather and seconded by Mr. Lalkhan).

18. That this Congress requests that the principle of primary, free and compulsory education should be extended to Indians up to Standard 6; that the qualification, grading, conditions of service and scales of salary of Indian teachers should be the same as those prevailing in European schools; and that facilities for higher, technical and other education should be provided, and that State-aided schools should be taken over by the Government. Resolved that it be an instruction for the Provincial

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bodies to take action in their respective Provinces and report to the next Conference or to the South African Indian Congress Executive. (Proposed by Mr. A.M. Chetty and seconded by Mr. P.H. Patel).

19. That this Congress resolves that in the interests and welfare of the Indian community of South Africa, it is highly desirable that a South African Indian College for boys and girls for higher education be established, and the incoming Executive of the South African Indian Congress formulate a scheme to inaugurate same, and take such action as it may be able to do. This Congress requests the President, Mrs. Sarojini Naidu, to make application to the Bombay Imperial Citizenship Association for the establishing of a South African Indian Education Trust from the funds of the last passive resistance struggle, now in the hands of that Association; and that the Trust shall be for the securing of men and women teachers for the proposed South African Indian College, and for the paying of salaries and other incidental expenses and charges of such teachers; and the trustees of such Trust shall be Mahatma Gandhi, Mrs Sarojini Naidu, Mr. J.B. Petit, Mr. K. Natarajan and Mahomed Ali, with such others as such trustees in their discretion may co-opt. All other conditions of such Trust shall be in the discretion of such trustees. (Proposed by Mr.E.J. Choonoo and seconded by Mr. D.M. Nursoo).

20. Having regard to evils traced to alcoholic drink, this Congress includes in its policy of work the lending of active support to any movement for the discouragement of the consumption of alcoholic liquor, and further, that each Provincial body with its district

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committees be called upon to give effect to this resolution wherever possible. (Proposed by Mr. A.H.L. Tilly and seconded by Mr. D.K. Patel).

21. That the Natal Indian Congress act with full powers as local committee to the South African Indian Congress with the co-operation of the honorary general secretary of the South African Indian Congress for the purpose of making all necessary arrangements for the holding of an Indian Agricultural and Industrial Show in Durban. (Proposed by Mr. Sorabjee Rustomjee and seconded by Mr. Jack Moodley).

22. That this Congress resolves that it is desirable in the interests of the Union of South Africa that an Agricultural Experimental School be established in or near Durban for the purpose of training young Indians in Agricultural Science. (Proposed by Mr. A. Sookdeo and seconded by Mr. A. I. Kajee).

23. That this Congress reiterates that reasonable facilities should be given to Indian farmers, storekeepers and others to possess firearms as a means of protection throughout the Union. (Proposed by Advocate J.W. Godfrey and seconded by Mr. A. S. Mia).

24. That this Congress adopts the use of English and Hindi as the official languages in all proceedings of the Congress, and that whenever any interpretation is asked for, then same if necessary shall be made. (Proposed by Mr. R. Singh and seconded by Adv. J.W. Godfrey)

25. That in the opinion of this Congress it is highly necessary that there should be one official Indian organ in English, Tamil, Hindi and Gujerati

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languages, voicing the sentiments and feelings of the South African Indian community, and that the matter be referred to the Executive of the South African Indian Congress to take the necessary action for that purpose. (Proposed by Mr. E.M. Moolia and seconded by Mr. R.K. Naidoo).

26. That Indian women auxiliaries be formed by the Provincial bodies affiliated to the South African Indian Congress, among other things, with a view to Indian women being eventually admitted to membership in the South African Indian Congress. (Proposed by Mr. B.L. Master and seconded by Mr. S. Casscojee).

27. That this Congress requests that the principle of equal rights to all civilised people be adopted by the Union Government, and the rights of citizenship be extended to all unrepresented people in the Union. (Proposed by Mr. A.L. Chetty and seconded by Mr. N.M. Pillay).

28. That this Congress makes representations to the Indian National Congress to open an overseas department under its guidance and control for the benefit of the Indians abroad, and the President, Mrs. Sarojini Naidu, be requested to do whatever is possible in India with the object of bringing pressure by representation or otherwise upon the Government of India to establish a Ministry for Overseas Indians. (Proposed by Mr. D.L. Nursoo and seconded by Mr. R. Singh).

29. That this Congress expresses its deep sense of gratitude to the Government of India, Imperial Indian Citizenship Association, the Indian Overseas

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Association and people of India for the interest they are taking in and the support they are rendering to the Indian community in South Africa; and this Congress earnestly hopes and prays that they will ever continue to do everything possible in the amelioration and for the betterment of the Indian community in this sub-continent and elsewhere. (Proposed by Mr. E.J. Choonoo and seconded by Mr. S.M. Ally).

30. That the South African Indian Congress now in session, representing the South African Indian community, is grateful to Mrs Sarojini Naidu, its President, for the invaluable services now being rendered by her for and to the Indians in South Africa, and congratulates her on her election as President of the forthcoming Indian National Congress. (Proposed by Mr. Sorabjee Rustomjee and seconded by Mr. S.H. Rahim).

31. That this Congress sympathises with the East African Indian Congress in its struggle for the maintenance of the honour of Indians in East Africa and of India, and while sending it our cordial greetings records its sense of gratitude for the interest our brethren in East Africa are taking in our cause in South Africa. (Proposed by Mr. Manilal Gandhi, and seconded by Mr. A.I. Patel).

32. That this fifth session of the South African Indian Congress records its deep sense of gratitude and sends its love to Mahatma Gandhi. (Proposed by Mr. A.I. Kajeer and seconded by Mr. I.C. Ashabhai).

33. That this Congress records its appreciation to Dr. A. Abdurrahman for his kindly help

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and assistance from time to time to the Indian community and sincerely offers its grateful thanks.

34. That this Congress places on record its sincere thanks to Dr. A. H. Eool, Deputy President, and the retiring officials for the services rendered by them and more especially the inestimable and invaluable services rendered by Mr. Ismail, the General Secretary. It further expresses its sincere appreciation for the valuable services of the ex-general secretary, Mr. V. S. C. Pather, who undertook the essential work of the Congress and brought this Congress to the success it has achieved. (Proposed by Mr. A. A. Mirza and seconded by Advocate J. W. Godfrey).

35. That this Congress empowers the Executive to take all necessary measures to give effect to the principles in the foregoing resolutions in so far as such resolutions fall within its scope, and generally to act in regard to the resolutions as provided in the Constitution of the South African Indian Congress. (Proposed by Mr. Sorabjee Rustomjee and seconded by Mr. Goolam Rassool).

36. It was proposed to hold the next session of the South African Indian Congress in the Transvaal.
