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SIR BENJAMIN ROBERTSON'S EVIDENCE

THE following is the full text, as revised by Sir Benjamin Robertson of his evidence before the Indian Inquiry Commission, given on the 29th January last:—

CHAIRMAN: What is your official position? I am Chief Commissioner of the Central Provinces in India. I was previously Secretary to the Government of India, for about four years, in the Department of Commerce and Industry, which deals with the subject of emigration as we call it there, and in that capacity I obtained a certain familiarity with the subject which is now under discussion, and more particularly with these questions which arise under the head of the causes which the Commission has to investigate.

You have been specially deputed by the Government of India? Yes, I have been specially deputed by the Government of India to appear at the sittings of the Commission, watch the case on their behalf, and give evidence if necessary. I rather trusted that the latter necessity might not arise, and if the Indian community had appeared before the Commission and had been represented by Counsel, as it was supposed they would be, I should then perhaps have been able to make any statements I had to make, or give any assistance I might be able to render, through the Counsel appointed by the Indian community. Unfortunately, the Indian community have not appeared before the Commission, and I can assure you, sir, nobody will regret this more than the Government of India, who regard this as an opportunity for obtaining a full investigation of the allegations that have been made and also for going fully into the causes which have led to the disturbances.

You do not in any way represent the Indian community here to put their views before us? In a way my position has been rendered most difficult by their abstention. What I represent more particularly are the views which have been held by the Government of India. They are most anxious that some reasonable settlement should be arrived at in respect to these matters, as very great commotion has been caused in India by the accounts which had been received from South Africa in regard to the Indians' grievances, and the Government of India are most desirous that some means should be found, if possible, of preventing a recurrence of similar agitation.

CHAIRMAN: There was considerable commotion excited also by the news of the allegations of ill-treatment? Yes.

You have no information about that? No, I have no information about that, and, unfortunately, nothing can now be done about it.

I suppose that caused more excitement, or as much excitement as the grievances did? That caused very great excitement, and part and parcel with the excitement was also the discussion of grievances.

CHAIRMAN: It is very unfortunate for us also that we are unable to enter into these charges and allega-

tions? I quite recognise it, and the Government of India will regret it very deeply.

You wish to lay before us your views on the subject of the grievances? That is practically all, sir, that I can do. In what I say I should perhaps preface my remarks by representing that the Government of India, as I have already said, are most anxious that some settlement should be arrived at regarding these grievances. The views that I shall give as I go on are perhaps more my own personal views, as I have not been able to consult the Government of India, naturally, being over here, and having left at very short notice. The views I give will therefore be my own views, but they are to my knowledge in agreement generally with what the Government of India consider to be the attitude they should adopt.

What subject would you propose to deal with first? The first subject I propose to deal with is the £3 tax. I think that has been put in the foreground of the causes. It is unnecessary for me to review the history of this tax, because that is known to the Commission. The object with which it was imposed was to induce Indians who came in under indenture to return to India. The view that the Government of India hold is that that object is no longer being fulfilled.

Were you in India at the time when the Deputation went from Natal? I was in India, but I had nothing then to do with this subject.

You know the fact that there was a Deputation? There was a Deputation in 1894, and a subsequent Deputation in 1903. In 1894, the Government of India did not oppose the introduction of this £3 tax, as they were prepared to recognise the desirability from the Colonial point of view of inducing indentured labourers to return to India after their indentures had expired. They regarded the tax upon residence as the least objectionable mode of bringing about that result, but they definitely objected to the omission to pay the tax being treated as an offence. That was the primary point they put forward. If the tax was imposed, failure to pay involved no liability of a criminal nature whatsoever.

That, of course, prevented anything like compulsory repatriation? It was in 1894 that this view was held. Then, in 1903, a second Deputation came to India and suggested an alternative system of compulsory repatriation, viz, that the ex-indentured Indians should be brought to Durban and put on board ship and sent back to India. Certain negotiations took place at that time, viz, 1903, but they fell through and the tax remained on. At that time, in 1903, the Government of India had come to the view that this tax was not what they quite liked. It was described as, in effect, a fine imposed for a lawful act, namely, residence in the Colony. I am giving extracts from what was said at the time. They also had before them, at that time, information as to the hardships caused in many cases by the collection of the tax, and as to the measures adopted to recover the amount due from defaulters,

and they pressed for its ultimate abolition as a condition of their agreement to a system whereby labourers would, in future, be compulsorily repatriated at the end of their period of indenture. Had these negotiations come to anything in 1903, the £3 tax would have been finished by this time, and a system of compulsory repatriation would have existed instead.

That fell through? Yes, that fell through, and the tax remained. The Government of India still hold the same view as in 1903?

In 1903, did they see no objection to a system of compulsory repatriation? They were prepared to agree to that.

On certain terms? On certain subsidiary conditions—all of which had no reference to the indentured labour system—about which the negotiations fell through. The Government of India now hold as follows:—As indentured immigration has been put a stop to, and as the Union Government have taken power to prohibit all further immigration into the Union; as the tax has been shown—it was admitted in 1903—not to have the effect which it was intended to have; as there exists a considerable amount of feeling in India in regard to its imposition—the tax is considered as bearing hardly on the persons who are subject to it; also, because of the invidious nature of its collection; for all these reasons the Government of India desire that the tax should now be abolished.

You say it was shown in 1903 that the tax had not that effect? Yes, that was the reason why the second deputation went across to India, and the tax was then admitted to be having the effect which was looked forward to.

Then it had been an alternative that either they should return to India or remain under indenture? Yes, but the main object was to induce them to return to India.

Was anything said about the effect it had upon inducing them to re-indenture? That was not discussed. The object of the Deputation that went to India was to get the ex-indentured Indians to go back to India; that was the main object. In regard to the disuse of the system, you, sir, have had the Protector of Immigrants' figures. These also have been supplied to the Government of India. The reports of the Protector are sent to the Government of India annually.

Generally, do all those Acts dealing with immigration from India come before the Government of India? Yes, they come before the Government of India.

After they have been passed? Sometimes before they have been passed, and the Government of India are able to offer remarks and criticisms; sometimes after they have been passed.

Was this Act of 1895 submitted to the Government of India before it was passed; do you know that? The principle had already been agreed to.

With the Deputation? Yes, with the Deputation. It had been accepted.

Can you tell me about the Act of 1903, which imposes the tax upon children of indentured Indians, do you know whether that was brought before them? Yes, that was brought before them before the Act was passed.

And no objection was actually raised? It was not liked, but the Government of India thought that as they had agreed to the £3 tax being imposed for the purpose of getting Indians to return to India, they could not object to the extension of the system.

Of course, you will see that the difficulty is, as we are told, that these Indian immigrants, before they leave India, have it explained to them that they will be subject to this tax, if they do not re-indenture or return to India? Yes, that is so.

As far as you know, do you know whether they realise what the effect of that is? That, sir, is a very difficult question. I myself have not dealt with the practical side of the emigration business in India for the last twelve years. As a Magistrate I formerly knew a good deal about the matter. I had practical dealings with it.

Have you ever had emigrants appearing before you? Yes, as a magistrate, and the difficulty is to get these people to understand things. They know nothing about Natal. You get a body of men up going to Fiji, and they cannot even pronounce the name, similarly with Natal, they have no idea where it is. They may have never been outside their own villages and with many of them their whole horizon is bounded by five to ten miles. They are recruited, as the Protector explained, by recruiters who get them together. These men have to tell them certain things in order to get them to agree to come. What the recruiter tells the Coolie it is impossible to find out. He is with him perhaps for days together before he gets him to agree. What he tells the Coolie is what the Coolie thinks and believes. He is brought before a magistrate but he is scared by coming into a Court. He is brought up and his contract explained to him. He is asked, "Do you understand," and he says, "Yes, he understands;" but he has no idea.

Take the case of the men who came before you. I suppose you satisfied yourselves that they understood? What is one to do? All they will say is, "Yes, we understand," but it is almost impossible to get these people to grasp what it is.

Do your magistrates speak their language? Yes, certainly. But what the Coolies have been told by the recruiter who have been with them for a week, is what they are much more ready to believe than what they are told by the magistrate who sees them for about three minutes. I must say, however, that a considerable proportion of the emigrants are people who are induced to go abroad by people who have already been there. They go with some knowledge of what they are doing. I have been to the dépôt at Calcutta and I have seen a man going back to Natal with ten of his friends. They all knew what they were going to. But the majority of the Coolies are picked up by recruiters. They know nothing about the country, and nothing about where they are going, and it is extraordinarily difficult to make these people comprehend what the conditions of their contract are.

I suppose they understand the ordinary terms of their engagement as to what their pay is and the terms of their engagement? Most of them do not care.

Do they not care about that? No. All they want is to get away.

Why? They have perhaps some caste or domestic dispute. A very considerable proportion of these people go under these circumstances. They want to get away from India and they do not care what their pay is or where they are going, or anything else. You have got to know the Coolie before you understand that. You saw one or two of them here yesterday. Look at the extraordinary stories they believe over this strike. The fairy tale Mr. Marshall Campbell told us the other day is an indication of what they will believe, once it is thoroughly drummed into them.

Do you think in many cases they did not understand they would have to pay this tax? I should say that in many cases they did not comprehend that they would have to pay this tax. It has been explained to them and they have signed the contract, but they have no comprehension of what it means. They won't try to understand. They have no desire for anything further than to get away from India for some reason, which may be a domestic or a caste dispute, or something of that nature.

Is the contract explained to them also at the dépôt? Yes, at the dépôt at Calcutta, but it is very difficult to make a man understand who does not want to understand.

I should have thought if they appeared before the magistrate and the magistrate explained the contract to them, surely they have confidence in the magistrate? They have, but the Coolie is flustered coming into the magistrates' Court, and it is very difficult to know whether he does understand. They do not want to know anything. All they want is to get away.

That is the great difficulty which meets one? Exactly.

They have undertaken to pay this tax if they remain in the country? Yes.

Of course, we have also the Government of India in India, which is, in a way, the guardian of these people, and they have agreed to this? Yes, these are the two main difficulties, viz., that the Government of India accepted it and the Coolie has also signed the agreement. But I have mentioned the latter's unwillingness to try to understand what he is contracting for.

Notwithstanding those facts, do you think it is desirable, would you say, in the interest of the Coolie, in their interests alone, or generally, on general grounds, that the tax should be withdrawn? The Government of India consider it is desirable in the interest of the Coolie, that the tax should be withdrawn. He has been brought over here for the stated purpose of the industrial and agricultural development of the country, and the Government of India think the circumstances warrant that he should be freed from this tax.

Do you think, as a rule, when they come out, they intend to remain away permanently? It is very difficult to ascertain. Many of them have the idea that they will come back, but at the time, as I have said, many of them do not care what happens. They are quite callous as to their future; they think nothing about the terms or conditions of service or anything else.

Those are the grounds upon which you ask that the tax should be repealed? Yes; there are certain incidents in connection with the repeal which I perhaps might mention to the Commission. One is the question of the residence of the ex-indentured Indians if the tax is repealed. He belongs to the prohibited immigrant class under the Immigrants' Regulation Act.

Will it be necessary for him to obtain permission to reside until he qualifies for domicile by "three years' residence"? That is a matter which I merely mention for the information of the Commission. The Government of India, I think, would like—but it is a matter upon which I have not been able to consult them—if possible, that the taking out of the licence or a pass should be dispensed with, but if it is considered necessary or advisable on administrative grounds that a licence or pass to remain should be taken out, there would be no objection to that. The licence or pass should not have to be taken out year by year as at present. One licence or pass which would cover the three years' residence of the Coolie should be sufficient.

You do not see any serious objection to that if it is considered advisable? If it is considered necessary in law, then it must be done. If administratively it must be done, then I think the Government of India would agree, but they would specially like that this should not be an annual pass to be taken out yearly, and it would be unnecessary after the three years.

A large majority of the ex-indentured men do not take out these passes? They do not. I have got the figures, and I think about five-sixths of them do not take out a pass at all.

Yet they continue to reside and nobody objects? Yes.

And they become subject to the payment of that tax. It is rather a curiously worded section. It requires them to take out a licence and to pay for that licence a sum of £3 per year? Yes.

You would have thought that if the licence was not taken out the sum of £3 is not payable? Yes.

It is really more in the nature of a tax than a licence? Yes. There is one other point in connection with the possible withdrawal of the £3 tax that I may mention. By the Natal Act No. 42 of 1905, a labourer may re-indenture, though an interval of time has elapsed since the expiry of his last period of indenture. During the time he may have acquired the right of domicile of Natal. By the terms of his indenture he is entitled to a free passage to India.

He has also got his domiciliary right, so that he can go back to India at the expense of the planter, we will say, and have a holiday there for two or three months and then come back to Natal.

Is he entitled to a free passage at any time? Yes, at the end of his further period or re-indenture. He can re-indenture for two years. A man who has been out of indenture, say, for ten years, can re-indenture for two years and then go back to India free of cost.

He could not remain here for three years after the expiration of his indentures and become domiciled and then get a free passage to India? No, only on the expiry of his re-indenture.

He is entitled then to a free passage? Yes, a free passage, and he may have domicile. I suggest that for persons who have taken advantage of that free passage they should be held to have abandoned their domicile and they cannot come back to this country.

MR. ESSELEN: What do you think, if the indentured Coolie should be given the option now of returning to India, instead of having the tax repealed, what would he elect to do, supposing, not comprehending the real state of affairs, if it were really explained to him, and he was told to choose between going back to India or paying the tax, what would he do? I, of course, thought when I landed here a fortnight ago, he would probably prefer to go back to India, that is, supposing the tax were rigorously enforced—although rigorous enforcement by the process of the law that applies, I may say, is perhaps not quite in accordance with the bargain made with the Government of India—but if the tax were rigorously enforced, it is probable it might have some effect in inducing him to go back. But from what I have heard of the extraordinarily good wages the coolie is now receiving in Natal, I think he will do his utmost to stay here. In India the rate of wages has increased enormously also in the past five years. In the part of the country where I at present live, in the last twenty years it would be safe to say that in many places the rate of the coolie's wage has gone up four times. He is extremely prosperous and very well off. These people here probably do not know that India has changed in the last few years to the extent it has. Here also from the evidence given the coolie's wages have gone up about double in the past few years, especially since immigration has been stopped. That would make him unwilling to leave this country. He does not know about India and the great change that has taken place there. He does know what has happened here, and he will naturally stick to what he is certain of.

LEUT. COLONEL WYLIE: How do the wages in India compare with those here? It is extremely difficult in a huge country like India to give any really definite statement about wages. I do not know the Madras Presidency, and many of these coolies come from Madras. Northern India I know, and the people who have come from there to Natal belong to the same castes as those who go to the great industrial fields about Calcutta, the coal mines and jute mills, the Calcutta port, etc. On the coal mines in Bengal, 15 rupees per month is quite easily obtainable perhaps with 22 days' work a month. I cannot recollect the wages in the jute mills, but they are very good wages also, probably 15 to 20 rupees per month. That would be, say, 25s. per month, with no food, but hutting is found as a rule. Food, of course, is very cheap in India, and those people are amongst their own kith and kin, which is also a very considerable consideration.

You said the tax had practically lost its effect? That is, from what was said to the Government of India in 1903, and from the fact that it has been practically given up.

Are you bearing in mind that in 1912, 95% of these men re-indentured, and in 1913, 81% re-indentured? These figures I have seen.

From the Protector? Yes. It is not very apparent why the re-indentures have gone up in the last two years.

CHAIRMAN: Is not one reason the increase in the wages? There has been a great increase in the wages because of the stoppage of immigration; that is the only way I can explain the rise in the re-indentures. Looking at the figures which are most abnormal for the past two years, I put it down to the stoppage of immigration which brought about a rise in wages, and these people have re-indentured to get the good wages. That is what strikes me from the figures.

(To be continued)

The Indian Commission

(Continued)

Mr. J. Polkinghorne, Protector of Indian Immigrants, was recalled to lay before the Commission a great deal of statistical matter he had prepared at the request of the chairman.

During the period from 1874 to 1907, 34,604 men were introduced, of whom 4,813 returned, after completing ten years, equalling 13.9 per cent. The approximate number of men who became free after ten years' residence in the Province was 27,411.

Mr. Polkinghorne also put in a statement showing the number of Indians (men only) who came under Act 17 of 1895 and Act No. 42 of 1905. The number introduced was 54,052, less 22,326 remaining under indentures. Of the remainder, 12,230 returned to India, or 38.54 per cent., leaving 10,805 (or 34.05 per cent.) free and subject to licence. Had not the strike taken place, the percentage of those returning to India would have risen to 39.70 per cent., while those free and subject to licence would have fallen to 31.44. The percentages, according to arrivals were:—

Returned to India	22.62
Free and subject to licence	19.99
Under Indenture	41.30
Deaths and otherwise left Province	16.09

For the purpose of comparison, he added that, of the 34,604 introduced between 1874 and 1891, 4,813, or 13.90 per cent., had not returned to India. Of the 54,052 introduced under the Act of 1895, 12,230 or 22.62, had not returned to India. Of the latter there were still under indenture and entitled to return 22,326 or 41.30 per cent. this accounting for 63.92 per cent. of the arrivals. The birth and death-rates amongst the Indian population were as follow:—

Year.	Population.	Births.	Deaths.	Birth-rate.	Death-rate.
1903	81,390	2,614	1,692	32.11	20.79
1904	87,980	2,700	1,602	30.71	18.21
1905	94,621	3,032	1,881	31.04	19.81
1906	101,963	2,657	2,611	26.15	25.61
1907	102,857	2,938	3,392	28.56	23.25
1908	103,158	3,432	1,955	33.26	18.95
1909	103,836	3,659	1,687	35.23	15.28
1910	108,694	4,299	1,955	39.55	17.96
1911	113,192	4,637	2,419	40.96	21.42
1912	114,271	4,750	2,044	41.56	17.92
1913	115,929	5,267	1,779	45.69	15.40

He also put in the following statement as to the Government Savings Bank, showing the increase in the average deposits for the last five years:—

	Number of		Average.
	depositors.	deposited.	
	£	s. d.	£ s. d.
1909	2,298	46,168 13 11	20 10 6
1910	2,614	56,144 14 5	21 9 6
1911	3,837	64,942 18 6	22 17 9
1912	3,876	77,223 2 7	23 11 5
1913	3,150	72,146 3 2	22 18 0

As to the savings of Indians returning to India, it had been found that the average of each adult was as stated in the appended table, this also showing an increase:—

	£	s.	d.
1905	11	16	0
1906	14	2	10
1907	8	5	0
1908	8	10	10
1909	8	12	8
1910	12	10	6
1911	12	4	7
1912	13	15	4
1913	15	4	1

Excluding sick Indians, the average savings became higher, as under:—

	£	s.	d.
1908	10	4	10
1909	9	17	7
1910	14	10	4
1911	14	10	10
1912	16	10	8
1913	18	0	2

Mr. Polkinghorne stated that he had circularised the largest employers of Indians, and had found that 66 employers reported that 16,930 Indians had struck. As to the allegations of cruelty, he knew of no single instance where Indians had been ill-treated by employers because of the strike. There was only one case that he had heard of, and that might come before the Courts.

Mr. Andrews' Tour

The Rev. C. F. Andrews arrived at the capital of this province on the 30th ultimo. He was accompanied by Mr. Manilal Gandhi, who acts as his personal attendant, and Mr. P. K. Desai. On the platform were Messrs. Ismail Bayat, Ismail Rawat, Chairman of the Anjuman Islam (Mr. A. D. Paruk), B. M. Patel, Jotha Patel, Motilal, Chetty, N. B. Naik and several others. The guest with his party was driven to the house of Mr. V. C. Naidoo. The next day at 3.45 p.m., a mass meeting was held, the people numbering 1,500. The meeting was over at 5.30 p.m. The Reverend gentleman then attended a tea party given by Mr. C. Nulliah. At about 7.30 p.m. Mr. Andrews visited the two Indian Christian Ministers Revs. John Thomas and Joseph. On Sunday at 2.30 p.m., Mr. Andrews visited the Lord-Bishop of Natal. At 3.30 p.m. he preached to the Indian Christians. At 4.30 p.m. he lectured before a representative gathering of Hindus numbering 300 at the Hindu Young Men's Association rooms. He recited the message of Gurudeva Rabindranath Tagore in Sanskrit and urged the Hindus to observe their religion and to preserve the noble traditions of India. At 5.45 p.m. a reception was given under the auspices of the Anjuman Islam. Thereat the guest spoke of his friendship with distinguished Mahomedans. The Chairman thanked Mr. Andrews for accepting the invitation and hoped that on his return to India he would do his best to put their position before the Indian public. Then Mr. Ismail Bayat thanked Mr. Andrews for kindly attending the function. Mr. Naik also spoke. About 200 people attended this reception representing every section of the community. In the evening Mr. Andrews preached at St. Saviour's Cathedral. At 10.30 p.m. the party motored to the station and entrained for Ladysmith. During his stay in Maritzburg Mr. Andrews visited the Governor of the Gaol also.

At Ladysmith, too, the programme was crowded. Mr. Andrews was Mr. Vinden's guest. He opened there the New Government Indian School. Here Mr. Andrews received messages of condolence from his friend the great poet of India as also from General Smuts. In the evening Mr. Andrews addressed a meeting of Indians. The following morning Mr. Andrews was ready to join the kaffir mail that was going to Newcastle. But having heard from Mr. Kallenbach the news about the movements of the Indian Commission and the impending completion of its task in Natal,

the Rev. Gentleman at once amended his plan and decided to go straight to the Cape via Harrismith omitting Newcastle and Johannesburg. Mr. Andrews reached Kimberley on the 4th instant where he had a rousing reception. He left for Capetown on the 5th instant by the Diamond Express and is the guest of Mr. J. M. H. Gool and Dr. Gool.

From the Editor's Chair

THE IMMIGRATION ACT

THE interpretation of this Act daily presents new difficulties. The latest is Justice Broome's decision in the matter of Dawad Ismail and Daya Purshotam against the Immigration Officer. According to Justice Broome's interpretation of the Act, the Supreme Court may not even grant an interdict against that officer, acting under the Act of last year, in respect of persons seeking to re-enter the Union as was the case in the matter we are discussing. Thus the Supreme Court will be powerless, if Justice Broome's decision holds good, to prevent a manifest miscarriage of justice, as happened in this case, through the stupidity of the under officials. As Justice Broome himself remarked, here the ends of justice were not defeated only because the aid of the Court was improperly invoked and as improperly given by the Court granting the interdict. If such is the correct reading of the law, every Indian is entirely at the mercy of Immigration Officers. The only comfort that the Court could give to the parties grossly injured was that they had not to bear the costs of the crown although the proceedings were irregularly brought by them. It is true that the Court came most reluctantly to the decision it did. But we cannot eternally live on sympathy unless it leads to useful action. This case is merely a sample of several others like it. Every section of the Act—even the protective sections—seems to have been designed, wittingly or unwittingly, to harass the resident Indian population. So that the law not only prohibits Indian immigration in practice, but it materially interferes with the liberty and the free movement, within the law, of the resident Indian population of the Union.

Take, again, the case recently decided by the now defunct Appellate Board appointed for Natal under the Act. There, Mr. Binns, delivering the judgment of the Board, reluctantly granted relief to a man who possessed a domicile certificate issued under the old Act and with which certificate he was completely identified. Why was there this reluctance? Why should an Indian be called upon to tax his memory as to what happened fifteen years ago? The title-deeds of property once granted cannot be questioned. They are conclusive proof of title. Why should a domicile certificate be treated differently? These certificates were granted after due and exhaustive—and in many cases vexatious—inquiry. By what right are they now questioned? If the Act gives such powers to Immigration Officers, the sooner it is amended the better it will be for both the Government and the people affected by the Act.

What is, however, perhaps more ominous even than the above-mentioned legal proceedings is the severe administration of the Act. It is clear that, had the officers done their duty by the persons who were seeking re-entry—not those who were seeking to immigrate into the Union—the cases need never have arisen. The officials are certainly going mad over their administration of the Act against persons in the Cape and Basutoland who have continually to pass through the Free State on their way to the other Provinces. To expect them each time to take out temporary permits is to put an unwarranted tax upon their purses and is an unnecessary annoyance to the

men who have to apply for permits. The old practice of letting Indian passengers go through unchallenged never caused the slightest difficulty to the administration and it ought to be continued.

The case of a boy that has happened in Pretoria is also of the same type. Surely the child, whatever may be the meaning of the Act, is entitled to enter the Transvaal, seeing that he is the son beyond doubt of his father and that his mother is dead. Indeed, the Government have practically bound themselves to recognise at least administratively the right of such children to join their parents who may be in South Africa. But in the Pretoria case, the Appellate Board has interpreted the Act, too, in favour of the Indian applicant. Yet the Government are not satisfied. They must seek to upset the finding of the Appellate Board which is appointed by them and which has powers given largely to protect the administration rather than the persons coming under its lash. The fact that the Government are challenging the liberal interpretation of the Act shows that they want it to be interpreted as strictly as it is administered. It is against this wretched spirit that we must wage war, if we are to live in this country as men.

'The Natal Indian Congress'

The Secretaries called a meeting of the Congress on the 28th ultimo of which the following is the inspired if not official report published in the *Natal Mercury*:

'At a meeting of the Natal Indian Congress last night it was decided that a resolution in favour of giving evidence before the Commission now sitting, was carried. During the evening there were speeches and discussion as to the functions of the Commission, and as to whether it is competent to go into the question of the grievances or whether its object was to go purely into the question of the strike. There were some members of the Natal Indian Association present, and these contended that the Commission was not competent to go into the question of the grievances. It was pointed out to them that Mr. Gandhi had never objected to the functions of the Commission, but only to its composition. The resolution was put to the meeting and there was a show of hands for and against, and the Chairman (Mr. M. C. Coovadia) declared the resolution carried. There was considerable dissent at the declaration, and the decision was contested. Among those who spoke, in addition to the chairman, were Mr. M. C. Anglia (secretary) and Mr. Dada Osman and the resolution was proposed by Mr. Hassim Jooma, and seconded by Mr. Bernard Gabriel;

Thereupon sixty-nine signatories, whose names the *Mercury* did not print, wrote as follows to that paper: "We have received the following, signed by 69 of those who attended the meeting referred to:—A report of a meeting reputed to be held under the auspices of the Natal Indian Congress is published in your issue of today (Thursday), which seems to convey the sense that the meeting was in favour of giving evidence before the Indian Commission. We, the undersigned, who were present at that meeting, and recorded our votes, deny the accuracy of the report. The meeting, by a majority of 69 to 48, were against giving any evidence. And we shall be glad if you will please give publication to this letter, as you did to the report."

To which Mr. Coovadia, the acting chairman replied as follows:—

"As Chairman of the meeting in question, I absolutely repudiate any suggestion as contained in the letter under review. The majority at the meeting was in favour of the resolution and the few who voted against it were from the Natal Indian Association. Among those who spoke in favour of the resolution were Messrs. Hassim Jooma, M. C. Anglia, Bernard Gabriel, Dr. Hirananeck, Dada Osman, K. R. Nyanah, Jeewa and the Chairman. Those who spoke against it were Messrs. J. M. Francis, B. Sigamoney, Karwa and Vaidya. As you do not give

the names of the 69 persons, it is difficult for me to say if the letter was signed by persons who were actually present at the meeting, and include the above-named who opposed.

"No counter resolution or amendment was proposed by anyone and I am perfectly satisfied, in spite of the attempt made by members of the Natal Indian Association to discredit it, that the resolution to give evidence before the Indian Commission was carried by a large majority."

Cablegrams repudiating the action of the Congress Secretaries and confirming the provisional agreement between General Smuts and Mr. Gandhi have been sent to the Hon. Mr. Gokhale by the Mahomedan Mastic Society, the Kathiawar Arya Mandal, the Maharashtra Sabha, the Surat Hindu Association, the Hindu Hawks' Association and the Zoroastrian Anjuman. Several cables to the same effect have been sent from Johannesburg also. Maritzburg went one better and called a great mass meeting, of which we give the following condensed report from the Maritzburg papers:

A mass meeting of the Indians of Maritzburg was held at the Hindu Temple grounds on Saturday afternoon for the purpose of welcoming the Rev. C. F. Andrews, and to consider the advisability of endorsing the provisional agreement made between Mr. Gandhi and General Smuts.

Mr. A. D. Parak, Chairman of the Anjuman Islam, presided, and a very hearty welcome was accorded the reverend visitor.

Mr. N. B. Naik, at the request of the Chairman, expressed the pleasure of the Indian community of Maritzburg at having the opportunity of welcoming Mr. Andrews. They all hoped the rev. gentleman's mission to South Africa would be successful, and that he would inform the people of India of what had really taken place in this country; how the people had suffered, and how they were determined to maintain the honour of their Motherland.

Mr. M. N. Mahomed, representing the British Indian Association of Edendale, read an address to Mr. Andrews:—

The Rev. C. F. Andrews, in acknowledgment, promised that he would carry their message to India, and inform the people there how loyal the sons of India in South Africa were to their Motherland. He had lived in India ten years, and now considered himself one of the Indians. Hearing of the ill-treatment of Indians in South Africa he came here to personally investigate the charges, and as a result of his investigations he had come to the conclusion that there was truth, after all, in the allegations made. He was ready to sacrifice his life for India.

The Resolution

Mr. N. B. Naik moved:—"That this mass meeting of British subjects, having heard the terms of the provisional agreement and Mr. Gandhi, as representing the Indians of South Africa, hereby endorses the action of Mr. Gandhi, and respectfully ventures to hope that the prayer of the Indians will be granted."

Mr. Motilal seconded the motion, and Mr. C. K. Thumbi Naidoo spoke in favour of it. He explained the terms of the provisional agreement, and said Mr. Gandhi's action was worthy of their heartiest and most loyal support.

The resolution was carried unanimously.

Mr. Leo R. Gopaul proposed:—"That this meeting hereby most emphatically repudiates the right of a purely Durban body, consisting of a mere handful of Indians, like the Natal Indian Congress, to give evidence on behalf of Natal Indians before the Indian Commission, and that the Congress had no right to override the decision of Mr. Gandhi, a decision which meets with the cordial approval of the Indian public." Mr. Gopaul said the Natal Indian Congress had no mandate for the monopolisation of the leadership. "He had on confidence whatever in Commissions, because they either owed their existence to the ignorance of the

Government, or to a desire to shirk responsibility. In this case it was due to both.

Mr. Thumbi Naidoo seconded and the proposition was carried unanimously.

The Verulam community also held a meeting and dispatched a cablegram similar in terms to the others.

The Tongaat, Newcastle and other Indian communities have held meetings where resolutions condemning the action of the Congress and approving of Mr. Gandhi's were adopted and cables to that effect were sent to the Hon'ble Mr. Gokhale.

The Tamil Mahajana Sabha and the Hindu Women's Sabha (Durban) have sent similar cables to Poona.

Parliament Meets

At the opening of Parliament on the 30th January, the Governor-General, in the course of his speech, said:—

"In the month of October last a strike occurred amongst the Indian workers employed on the Natal coal mines, and this shortly afterwards extended to the sugar estates on the Natal coast. The strike, unfortunately led to disturbances accompanied by loss of life. A Commission has been appointed by me to inquire into the causes and circumstances which led to that strike and those disturbances, and into certain allegations of ill-treatment of persons sentenced to imprisonment in connection with the strike. I hope that the report of this Commission will come before Parliament in time to enable its recommendations to be fully considered and a lasting settlement to be reached."

Mr. Mannik has given notice to move on February 15th:—"That the presence of large numbers of Indians within the Union is detrimental to the best interests of South Africa, and that the Government be requested to remedy the evil as speedily as possible."

Immigration Appeal Case

The Immigration Appeal Board, sitting in Durban, resumed the hearing of the case of Chandu Naran. The matter had been adjourned on the question of domicile—whether the certificate of domicile held by the applicant was obtained falsely or not.

Mr. Michel called several Indians, who said they knew the applicant some fifteen years ago, and closed his case.

Thomas Parks, a clerk in the employ of the Immigration Department, said that the applicant called at the office on Friday primarily with the object of having his temporary permit extended. He questioned him as to his father's name. Applicant could give only his father's first name—Naran. Witness had looked through the records from 1897 to 1902, and had found that fifteen certificates had been issued to "Naran" coupled with some other name. He searched these certificates in order to see whether the name of the applicant was endorsed on any one of them, and failed to trace it.

By Mr. G. W. Dick: It was customary between 1897 and 1902 to endorse the names of wives and children on domicile certificates. He could trace no such certificate bearing the name of Chandu.

Addressing the Bench, Mr. Michel said that, admitting the contradictory nature of the appellant's statements, he was entitled to domicile in this country whether he arrived in this country in 1897 or in 1901. There was nothing to show that he had deserted from a ship and slipped into this country illegally.

The Chairman (Mr. Percy Binns) remarked that he might modify the English proverb and say "There are more ways of killing a mongoose than choking it with curry." It was notorious that, in spite of the vigilance of Immigration Officers, numbers of these people had managed to enter this country illegally.

Mr. Scatter, for the Department, said he did not dispute the fact that the appellant had been here before, and added that the certificate was *prima facie* evidence of former domicile. But it was proved that it was obtained by means of false pretences and there was no evidence, apart from the certificate produced, to show that the applicant had established a domicile. He asked the Board to support him in the restriction and to refuse the appeal.

The Chairman said that the Board were not agreed but the majority took this view, and it was a view to which he personally came with considerable regret, in view of the conflicting statements which had been made. A certificate of domicile was issued in December, 1906. On Jan. 19 of the same year, an Act was passed which laid it down that "any person applying for a certificate of domicile or seeking to obtain any exemption in virtue of former domicile shall be required to satisfy the proper officer that at the time when he began to reside in the Colony he was not a prohibited immigrant within the meaning of the Immigration Restriction Act of 1897 or that of 1903, if either of the said Acts was in force at that time, or that, if he was such, he lawfully became resident in Natal according to the provisions of such of the said Acts as was then in force." The certificate issued by the then Principal Immigration Restriction Officer (Mr. H. Colborne-Smith) started with the following words: "This is to certify that the person hereinafter described has produced evidence to my satisfaction that he has been formerly domiciled or resident in Natal within the meaning of the Immigration Restriction Act." There was no dispute about the identity of appellant with the person to whom that certificate was issued. They must hold that in 1906 the then Principal Immigration Restriction Officer, with the knowledge that Section 2 of Act 3, 1906, had to be complied with, fully inquired into the matter and then satisfied himself that appellant was entitled to a certificate of domicile. According to the endorsements, it would appear that that certificate had since then been twice made use of and that appellant had twice been re-admitted to Natal on the strength of that certificate. The Immigration Officer having issued the certificate, the burden of showing that the certificate was fraudulently obtained was upon the Department. It was not for appellant to re-affirm the validity of the certificate of domicile. It was for those who issued it to prove that it was issued on false information and was, therefore, fraudulently obtained. They had an affidavit made by appellant on arrival in which he made statements contrary to the statements he made in 1906. In his opinion, while disclosing a highly unsatisfactory state of things and the usual amount of untruths, this statement was not of itself sufficient to set aside the certificate granted in 1906. This would perhaps be the last case in which he (the Chairman) would sit on this Board, and he wished to say that he thought it desirable that on every occasion where a person sought to obtain a certificate of domicile or otherwise prove his right to be here, the gentleman should be photographed. That system used to be adopted on the arrival of Indian immigrants and was in force in the Royal Indian Marine. Mr. G. W. Dick had just informed him that the practice had now been adopted by the Department, and he was very glad to hear it. It appeared to a majority of the Board that the burden was on the Department to discredit the certificate of domicile originally issued by them and that the evidence adduced in this case was not of itself sufficient to set aside the action of the Principal Immigration Restriction Officer in 1906. At the same time, he intended to send the depositions to the Public Prosecutor to inquire whether something might be done to appellant. With regard to the action of the Immigration Officer, that officer had only exercised the vigilance which must be expected. On the strength of the varying statements before him, he was quite right, as a measure of precaution, in restricting the appellant. But the case had now been fully heard, and they must adhere to the view that, where there was no

dispute as to identity, a certificate of domicile taken out must be what the law said it was—*prima facie* evidence of the holder's claim to domicile. With much regret, the order of the Board would be that appellant would be admitted.—*Natal Mercury*

Great Meeting at Bombay

(Concluded)

The Hon. Sir Ebrahim Rahimtulla, in supporting the Resolution, said he would content himself by saying that he entirely associated himself with the previous speakers in the able and eloquent manner in which they had placed the Resolution before the meeting.

Sir Jehangir B. Petit

In further supporting the resolution, Mr. Jehangir Bomanjee Petit said:—Mr. President, Ladies and Gentlemen: I have great pleasure in supporting the proposition which has just been placed before you. I consider it a privilege to have been called upon to associate myself with a resolution, which, whilst sympathising with our brave countrymen in South Africa in their present terrible sufferings and privations, gives expression to our most cordial and wholehearted admiration for them in the righteous and heroic fight they are making against such heavy odds for the honour and dignity of our motherland, and promises them our moral and material support in the attainment of their object.

Ladies and gentlemen, we recognise that the position of the Imperial Government is delicate and fraught with difficulties, but we refuse to believe that Great Britain is so hopelessly impotent as to be utterly unable to enforce its will upon a recalcitrant self-governing colony in a matter of this grave importance, involving the loyalty and good-will of 300 millions of His Imperial Majesty's subjects.

It is no exaggeration to say that if the present feeling is allowed to continue, as it is bound to, so long as this question remains unsolved, England will in the not very distant future, find on her hands another Ireland in India, only so many times bigger.

Before it is too late, however, we earnestly hope that the genius and statesmanship of England will rise to the full sense of their responsibility and bring about a solution of this question, compatible with the importance and dignity of India.

On being put to the vote, the resolution was carried unanimously and with acclamation.

In condensing this report we have omitted many important speeches on other resolutions which are now out of season.

Lord Amthill Thanked

The following resolution was next moved by the Hon. Mr. V. J. Patel:—

"That this meeting conveys the deep gratitude of the people of India to Lord Amthill for his consistent unwavering and wholehearted championship of the cause of their countrymen in South Africa, in Parliament and in the Press, and to request the Chairman to communicate this resolution to Lord Amthill by cable."

In the course of his speech, Mr. Patel said:—

Every one in this hall and every Indian, and even an outsider who takes any interest in Indian politics knows thoroughly well how ubiquitous and all powerful is that bogey of prestige. To my mind, the great distinguishing feature of Lord Amthill is that both when he was the ruler of the Southern Presidency and afterwards he has never allowed this prestige to obscure his political vision. It was this characteristic which made him so popular a Governor in the Presidency he ruled, and which has found for him a permanent place in the hearts of his former subjects. Ever since he returned to England, he has been ever active in the interest of India, and

although in English politics he belongs to that party which is always associated in the Indian mind with narrowness and prejudice, he has set an example to his political colleagues and to all others what Imperialism means. The South African question he has made his own, and though single-handed he has been pressing the Indian side of the question on the attention of the British public. This is not all. After the Passive Resistance Movement began, Lord Ampt-hill has ever been active in doing in England what Mr. Gokhale has been doing here,—counteracting the white-washing telegrams of Reuter and the interested reports of the Union Government. Under these circumstances, it is but proper that we should take advantage of this opportunity to express our heartfelt gratitude for his self-imposed services in the cause of our suffering countrymen in South Africa.

Mr. N. C. Kelkar, in seconding the resolution, said in all these struggles, Lord Ampt-hill had been the only one true asset and the only streak of light, which illuminated the dark scene of British ignorance and the only oasis in the vast desert of British apathy.

The Hill Head Inquiry

In connection with the Magisterial inquiry into the circumstances surrounding the deaths of certain Indians who were killed during the affrays between strikers and police at Mount Edgecombe during the recent Indian strike, which was conducted by Mr. E. G. H. Rossler, Acting Magistrate for the Inanda Division, the finding has now been given. This is as follows:—

I have no hesitation in accepting the version of the S.A.M.R., supported by medical evidence, to be the correct one, and find that on November 27th, 1913, the Indians Selvan, No. 74,863, Subbrayya, No. 116,739, Ragavan, No. 131,353, and Pachiappa, No. 150,046, in an attack by Indians on the S.A.M.R., were shot dead by the latter; that is, Selvan and Subbrayya at Hill Head barracks, and Ragavan and Pachiappa at a canefield between Hill Head and Blackburn barracks, Natal Estates, Ltd., and that on November 28th, 1913, Guruvadu succumbed to a wound caused by a revolver bullet fired by one of the S.A.M.R., in the conflict at Hill Head the previous day.

A Commission having been appointed to inquire into the amount of force used in the disturbances during the strike, and the necessity for the use of such force, I express no opinion on these points.

It will be noted from the above finding that though Mr. Colin Campbell fired a few shots from his pistol when attacked by the Blackburn Indians, the persistent assertions on the part of some of the Indian witnesses that he killed Ragavan, No. 131,353, and Pachiappa, No. 150,046, were proved to be utterly false and unfounded, nor is it true that the native Marimuthu, alias Qondile, killed Selvan by stabbing him with an assegai.

Rights of Children

Before the Immigration Board of Appeal this morning (says the *Pretoria News* 2nd instant) Mr. Advocate Reitz brought up an application on behalf of an Indian youth to be admitted into the Province. The youth was the issue of Mahomedan parents married according to Mahomedan rites. A marriage according to Mahomedan rites is not a monogamous one. The Courts have held that such a marriage cannot be held as lawful. Clause 5, subsection "g" of Act 22 of 1913 enumerates certain persons or classes of persons who shall not be prohibited immigrants for the purpose of the Immigration Restriction Regulations Act of 1913. Among such persons or classes of persons are, "inter alia," any person who is proved to the satisfaction of the Immigration Officer, or in the case of an appeal, to the satisfaction of the Board, to be the wife or child under the

age of 16 years of any person exempted by paragraph "f" of this section, including the wife or child of a lawful and monogamous marriage duly celebrated according to the rites of any religious faith outside the Union, provided that the wife or child (as the case may be) is not such a person as is described under subsection c, d, e, f, g, or h, of the last preceding section.

The Immigration Board of Appeal (consisting of the Resident Magistrate, Mr. Rose-Innes, Mr. J. van Alphen and Mr. Wagner), ruled the word "child" must be taken in its ordinary meaning, and did not mean child of a lawful and monogamous marriage, although such child is also included in the category. It was different in the case of a wife, who had to establish a legal status as such within the Union. Such wives did not acquire a legal status by undergoing the rites of a marriage according to Mahomedan law, which permitted polygamy.

The official representing the Immigration Department asked for a case to be stated for a judge on the point of law involved. The Board agreed to comply with the request.

News in Brief

Mr. Andrews celebrates to-morrow his forty-fourth birthday at Capetown, working in the cause that has brought him to South Africa. Every Indian will, we are sure, join with us in wishing this self-adopted son of India many happy returns of the day as also in our sorrow that he will, for the first time, be without a blessing from his dear mother on this auspicious day.

Mr. Pearson is now in Johannesburg, and several meetings (including a ladies' meeting) have been held there in his honour. We hope to be able to give a fuller report next week. Mr. Pearson returns to Natal in the course of the week, and is likely to break his journey at Standerton, Dundee and Ladysmith.

The Indian Inquiry Commission concluded its sittings in Natal on Saturday last and will resume at Capetown on the 23rd instant.

Sir Benjamin Robertson and his Secretary Mr. Slater visited the Phoenix Settlement on Wednesday last. On arrival Sir Benjamin was garlanded and both he and his Secretary were presented with button holes by Fatima the daughter of Imam Saheb Abdul Kadir Bawizeer. Both the garlands and button holes were prepared by her out of the flowers grown at Phoenix. The party was escorted by Mr. Polak. After taking light refreshments and inspecting the Settlement the party returned to Town by the evening train. Mr. Sircar who was also on Sir Benjamin's staff left last week for India by s.s. *Purnea*.

The report of the Soorjai case is crowded out and we hope to publish it next week.

On the 22nd ultimo, at Newcastle, George Ligett, compound manager, Durban Navigation Collieries, was charged with assaulting one Valangeri, a passive resistance prisoner at present in gaol, at the time of the recent Indian strike. The accused pleaded guilty and was fined £1.

The Governor-General-in-Council, under Section 2 of the Immigrants' Regulation Act, 1913, has appointed the following as members of the Boards of Appeal with the first named in each case as chairman: J. T. Wyld, F. J. Centlivres and F. Dreyer, to sit at Capetown. J. L. Knight, Lieut-Colonel T. McCubbin, C.M.G., and G. A. Champion, to sit at Durban. H. Rose-Innes, J. N. van Alphen, and J. G. Wagner, to sit at Pretoria.

In opening the Sessions of the Bombay Legislative Council, on December 16th, H.E. Lord Willington, the Governor of Bombay, made a sympathetic reference to the South African Indian question, describing it as "in its very essence a highly Imperial question."