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**DOCUMENTS**  
RELATING TO  
**THE INDIAN QUESTION.**

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## I. THE HON. MR. G. K. GOKHALE'S SPEECHES.

(As reported in the South African newspapers, from October 22 to November 18, 1912.)

### SPEECH AT JOHANNESBURG.

What was the situation in South Africa? He was trying to study it, so far as possible from every standpoint and, if he might say so, with sympathy for every standpoint. There they had, in the first place, the European community, small in numbers, which had established itself in that vast country in the midst of a very large indigenous population, which was alien to it in race, and on an entirely different plane of civilisation, and this had already given rise to problems social, political, economic, and moral, which filled the more thoughtful men of the community with serious concern for its future. This situation appeared to be already difficult enough, and then they found that members of a third race, also alien to them, whatever their relations might be in another part of the Empire, were coming in, making their home and establishing themselves there in South Africa. They found that the numbers of this third race were comparatively small, but they found that there was a steady influx going on, and they feared that, in course of time, they might be swamped by that third race, and that their special civilisation, their traditions, and the character of the institutions under which they lived, under which they had been brought up, would be seriously affected, more or less, by that influx, in addition to any effect that might be produced by the vast indigenous population that already existed in the sub-continent. Further, there was undoubtedly the colour prejudice, which was very strong—and he was surprised to find how strong it was. And, finally, there was the question of the economic interests of a certain section of the community, which found itself exposed to serious competition on account of the influx of this third community. He hoped that he had set out the European position as fairly as it was possible for him to do.

Next he would ask them to look at the Indian side. He would ask them to enter into the Indian feeling as he had endeavoured to enter into the European feeling. The Indian population of the sub-continent was numerically very small, smaller than one-ninth of the European population. He understood that the total Indian population of the sub-continent was about 150,000. Out of that number nearly 120,000 were either ex-indentured people or their descendants, or persons serving under the system of indenture at that moment in Natal. Now he wanted them to realise that the bulk of that population consisted of men who had been brought into the country by the British Government in the interests of a section of the white population of that country. He wanted them further to realise that the remaining 30,000 had merely come in the wake of those indentured men.

He had had occasion in March of that year, in connection with a debate in their Legislative Council, to read the despatches that passed between the Government of India and the Government of England when indentured labour was introduced in Natal in 1860. In those despatches the Imperial Government had made the most solemn promises to the Government of India that the people who were to be brought over to Natal would be treated with every possible consideration during the term of indenture, and that after their indenture they would be allowed to settle in the land, and would have every facility given them that they might prosper in the country. The Imperial Government had held this tempting offer forth to the Indian Government in order to induce that Government to agree to the system of indenture; and for the first few years, at any rate, the whole attitude of the European community in Natal towards the indentured men was totally different from what it had been in recent years. The fear in those days was not that the Indian would stay in the country after he became free, but that he might go back after completing his indenture, and therefore every conceivable inducement was placed in his way that he might remain in the Colony afterwards and not go back to India. That was capable of the clearest possible demonstration.

A change, however, gradually took place in the attitude of the European population towards the eighties. And now they had gone so far as to impose a preposterous tax of £3 per year on every man, woman or child—girls above 13 and boys above 16—if they continued to reside in the Colony after having completed their indentures. He was not going into the merits of the question; he only mentioned what a complete change of attitude there was in the matter; but, whatever the change of attitude, one fact remained clear—that the Indian had not come to the sub-continent of his own accord, that he had been brought there for the benefit of a section of the European population in the sub-continent, that the free man had come in the wake of the indentured man, and that the bulk of the Indian population consisted of ex-indentured men or their descendants, or men still serving under indenture. If they would look at it from that standpoint he believed they would be able to understand better than otherwise the feeling of Indians

in India in that matter. Here were their countrymen induced to emigrate for the benefit of the European population there—it was admitted that Natal was largely made by Indian labour; and now they read stories, some of which might be exaggerated, though there must be something in many of them, which appeared to them to be stories of grievous oppression and injustice. They saw that their countrymen had to live here under harsh laws and were subjected to an administration of those harsh laws which was even harsher than the laws themselves, and they could not understand why they were so treated. The people of India did not realise all the intricacies of the problem, and naturally there was a feeling of intense indignation there about what they read. That was the other side of the picture.

Behind the Indians in South Africa stood India, with an ancient people, who were not ashamed of their contribution to the world's civilisation and progress, and who felt that, now that they were in the Empire, they should have opportunities of steady advancement under the flag of England. And behind all—behind the European community, behind the Indians—was the Empire, with the British flag floating over it, promising justice and equal opportunities for prosperity to the various members living under it. That briefly was the position. Again, he hoped that he had stated it without undue emphasis and without exaggeration.

Now how was a situation of that character to be dealt with? Unfortunately, the statesman's task was not like writing on a clean slate. He never could deal with problems as though nothing had gone before. Almost invariably, in practical affairs, one found that one had to take over the writing of those that had gone before, and by erasing a little in one place, adding a little in another, and altering a little elsewhere, to make it suffice for the needs of the present. That was the only way in which practical problems could be dealt with in any country. That was the essence of practical politics. The politician had undoubtedly to base himself on justice; he had need to be inspired by high purpose, and he had to take note of what would reconcile conflicting interests. And then he had to deal with facts as he found them. That was the spirit in which the question had to be approached by all parties if a solution was to be found. The facts were there—the 150,000 Indians, on the one hand, asking for just treatment; on the other the European community with all its prejudices and with all the interests which it felt to be at stake. Taking the facts as they were, what was the way in which a way might be found out of the difficulty, that a solution might be arrived at reasonably satisfactory to all parties concerned? In proceeding to consider the question in a spirit of compromise the first point to note was that if the compromise was proposed of a character which would cause sore or bitter feelings on one side or the other, it had no chance of being accepted, or, if it was forced, that it would not last. What, then, were the elements of possible bitterness, possible soreness, to be removed before a solution could be proposed, which might reasonably be expected to be accepted by both sides? Taking a broad view of the case, it might be said that the European objection to the Indians was a double one. First of all there was the objection based on the fear of being swamped. The second was the fear that the political and other institutions under which they lived might be affected in course of time by the influx of Indians. There was also the grievance of a section of the European community in regard to trade competition, but that stood on a different footing from the other objections, for, as against it, there was the point of view of the consumer who was not interested in preventing that competition, but wished to buy wherever he could buy cheapest. The first two objections, however, were serious, fundamental, in any consideration of the present situation, and he saw the necessity of giving a reasonable assurance to the European mind that no room would be left for fear on either of those two scores, if a reasonable solution were to be arrived at. He could understand that, unless the European in South Africa were enabled to feel secure that a continual influx of Indians into the sub-continent would not be going on, unless they were enabled to feel that their predominance in that land would not be affected, it would not be possible to reach a solution of the problem which would be really acceptable to the European community. What form actually the assurance should take was naturally a question for discussion, negotiation and adjustment. But the European mind must be set at rest on those points before they could hope to arrive at a solution which would remove the more irritating grievances of the Indian community. When the European community saw that there was no room for any more fears on these two heads, he hoped that they would realise that the Indians who were there were subjects of South Africa, and that the Government of that country must be solicitous for their welfare as it was for that of its other subjects. And the European community must then accept the view that except as regards the points he had mentioned, Indians must live under equal laws with themselves, and that the administration of those laws must be just and humane. If the question were approached in that manner—the necessary assurance being forthcoming to allay the reasonable fears of the Europeans and the Indians who were there being assured that they would be treated justly and humanely in all other matters—he thought that a solution of the question should not be very difficult to reach. Of course a solution even on those lines might not be generally acceptable, but the moderate men on both sides should join hands, combine and insist that some such solution should be adopted in the interests of both sides,

The extreme men on the Indian side might not matter just now, because they had no voice in the Government of South Africa, though they might cause trouble in India. But the extreme men on the European side might not perhaps care to have a solution even on those lines—he was only hinting at the possibility, and that was more for them to consider than for himself; but it was possible that a section at any rate of the European community might further insist on the third grievance based on trade jealousy and economic competition being also settled in their favour with the other two points before agreeing to a compromise. Here, however, it was impossible for the Indian community to concede anything substantial. That was a matter of justice pure and simple to the Indian here, and it did not concern the Europeans as a whole, but only a section of them. If, however, it was sought to prevent the small Indian trader from competing permanently on reasonable terms with the European trader, by thrusting him into locations, harassing him, and ultimately sending him out of the country, he did not think a settlement was possible. He was aware that there were those who said that though that Empire included within its fold many races and peoples, yet it was in reality only a white man's Empire. Europeans undoubtedly occupied a dominant position, but could it therefore be said that Indians and other races should be only hewers of wood and drawers of water in the Empire? He was not there to argue the question, but he invited those who thought like that to visit India, to see what it was like, and then come back and repeat such an opinion, if they could. He would not discuss that view any further. But he would be frank and tell them that on those terms England would find it difficult to hold India; and those who cared for the greatness and prosperity of the Empire—and it was not only Englishmen who so cared, but they in India also cared, because they knew that they had opportunities for progress in that Empire which they would not otherwise have—would see the necessity of not encouraging the belief that the Empire belonged to the European races only. If unfortunately it was found that the lines on which he had suggested a compromise were not possible owing to strong and violent opposition on the part of a section of the European community there, the struggle, he feared, would have to go on.

It was necessarily bound to go on. But he felt sure that there was a steadily increasing section of the European community itself who would not have that kind of thing. They would not allow any injustice which amounted to an intolerable oppression, such as a harsh administration of existing laws, to go on for long. And so, leaving the Indians aside, if he understood the English character properly, he felt that the conscience of their own people would insist on a remedy being found, which would be in greater accord with their sense of justice. He knew that that was so, and it was that side of the English character that had enabled England to hold India for all those years, which had linked up the destinies of those two countries. And so it appeared to him that, after the other difficulties had been solved, if the harsh anti-Indian laws were not repealed in due time—not in a day, that was not possible—if they were not repealed in due course, and if their administration was not made more humane than it was, the better section of the European community in South Africa itself would not stand it for long. If, however, they unfortunately stood it—because it was often in the nature of such environments to undermine character—troubles and complications were sure to arise in India, which would undoubtedly cause serious embarrassment to the Empire, which had been on the whole a beneficent instrument of progress to all. That was his view of the question, and he had ventured to lay it before them frankly. And in that connection he would like to tender the thanks of the people of India to the European Committee constituted during the acute stages of the struggle to help the passive resisters. He thought that, next to the courage and heroism shown by the passive resisters themselves, the brightest spot in the struggle was the constitution of that Committee and the unselfish work that it did to help the Indian side. The people of India felt grateful to the Committee, and he would like to tender on their behalf his very best thanks to the Committee and to its worthy and able Chairman, Mr. Hosken, who had not shrunk from personal sacrifice in the interests of the cause which he had espoused.

Before concluding, he would like to say a few words to the Indian section of that gathering. His Indian brothers and sisters in this sub-continent had taken and were taking infinite trouble to make his visit a success, and he really did not know how to thank them. Even at that banquet he understood that not only the general arrangements but even the cooking and waiting—everything—had been done by volunteers. It had been purely a labour of love. He could only thank them sincerely for all their trouble. He earnestly hoped with Mr. Duncan that that chapter in the Transvaal history, which would always have to be recalled with pain and humiliation—pain certainly for both sides, humiliation—well, he would not speak about that—that that chapter had been definitely closed. He hoped that the more serious grievances under which they laboured would soon be redressed, but whether they were redressed sooner or later, they would have to depend in the future, as in the past, largely upon themselves. As he had said at the station on the occasion of the great welcome they had given him, India, who had been remiss in the past, in helping them, would on all future occasions be behind them. Her heart had

been stirred, and she will not forget again her children across the seas. But, when all was said and done, the brunt of the struggle would have to be borne by them in South Africa. And judging by the splendid spectacle they had presented in the course of the last struggle, he could not but feel confident that if ever another struggle came they would again acquit themselves worthily and in a manner of which India would have no reason to feel ashamed. India felt the greatest admiration for the passive resisters, who had borne so much for the honour of her name. He would not mention names, because where so many had done well, it was impossible to mention all, and it was invidious to mention only a few. But one name stood apart from the rest, the name of the figure which had been foremost in the struggle, the figure of his friend, of the friend of everyone in that room—Mr. Gandhi. India recognised in Mr. Gandhi a great and illustrious son of whom she was proud beyond words, and he was sure that men of all races and creeds would recognise in him one of the most remarkable personalities of their time; but it was only those who had the privilege of knowing him intimately that knew how the pure and indomitable spirit that dwelt in that frail-looking frame, that glorified whatever it touched, would break but never bend in a just or righteous cause. He was happy to find that that appreciation of Mr. Gandhi was not confined to the Indian community only, for during his tour nothing had warmed his heart more than to see the great, the universal esteem in which his friend was held by the European community on all sides. Wherever they had been, he had seen members of the European community eagerly surrounding him to shake hands with him, making it quite clear that though they had fought him hard in the past and might fight him again in the future, they honoured him as a man. That appreciation of Mr. Gandhi among Europeans was a most valuable asset to the Indians in any future struggle they might have to wage. They thus had self-reliance and they had a great leader, but above all they had a just cause, and that meant a great deal, for the words of the poet were as true to-day as they had ever been: "Thrice is he armed that hath his quarrel just." God grant that the occasion might never arise for them to engage in a fresh struggle, but if it did arise, he knew they would not shrink from the conflict. It might be that their difficulties would not be removed soon. It was sometimes found that, with all the desire in the world for a settlement of differences of both sides, those who realised what was best were not able to adopt that best in practical affairs; and he was inclined even to fear that, with every wish to promote a solution the Ministers themselves might find it difficult to carry it through against those who might be opposed to their policy. He most earnestly hoped that that would not happen, but, if it did happen, he hoped also that it would not discourage them. Mr. Duncan had asked him not to feel discouraged. He had been now for some years in public life and he knew that the man who would be discouraged at the first rebuff had no business to be in public affairs. He could assure him, therefore, that, whatever happened, he would not be discouraged, but it was a question not of his being discouraged or otherwise, but of his countrymen not being discouraged. And he would ask his countrymen to remember that, after all, the true moral interest of those struggles lay not so much in achievement as in the effort, for such effort in itself added to the permanent strength of the individual and the community, whether it succeeded or failed in its immediate purpose. A great teacher had said that it was not so much what they had in life as what they *were* that mattered. He wished that every one of the Indians there would always keep that in mind. If success awaited them it was well; but if they must fail when they had done their best, even then it was well, because it was always well to have endeavoured.

#### SPEECH TO THE TRANSVAAL CHINESE.

Mr. Gokhale said that he was most grateful to the Transvaal Chinese Association and to those who had responded to its invitation for the compliment which had been paid to him that morning—a compliment which gave him the greater pleasure in that it was wholly unexpected. There was a saying in English that adversity made strange bed-fellows. That, for the moment, he took to mean that common hardships and suffering often brought together to work, in a spirit of co-operation, those who otherwise might be strangers. It was such common adversity and suffering that had brought together the British Indian community and the Chinese community of the Transvaal into close co-operation two years previously, and he saw from the function that morning that the feeling of fellowship that had been generated then had continued to that day. He was there to seek redress of the grievances of his own countrymen—that was quite true—but no one would rejoice more than he if their brethren from China also found that their disabilities were removed when the disabilities of Indians were removed. He, however, felt bound to say that a function of that character should suggest serious reflections in all thoughtful Europeans living under the British flag. There were the Chinese community owning allegiance to their own Government—a foreign power. There were Indians living under the flag of England. And yet, in that part of South Africa, over which also floated the flag that floated over England and India, Indians found themselves in the same

boat with their brethren from China, who belonged to a foreign country, both being subjected to the same disabilities. Not that he objected to Indians being bracketed with the Chinese in itself. The people of India would always be proud to be placed by the side of and be bracketed with the people of China. There was a great deal in common between those two countries. The people of both those countries were ancient peoples having much of their civilisation in common. Moreover, India gave to China her great religion of Buddhism, and in times far remote there had been considerable intercommunication between those two countries. Even to-day they in India were following with close interest the developments taking place in China, and the general feeling in India was one of strong sympathy with the Chinese in their attempt to establish themselves on a strong and stable Republican basis. It had been said that the Anglo-Saxon race—he did not know much of the Dutch, and so he would speak only of the Anglo-Saxon for the present—with all its great qualities, was lacking in one quality, and that was the quality of imagination. Anglo-Saxons, and he believed the same thing was true of the Dutch, probably even to a greater extent, found it difficult to put themselves into other people's places and to realise their feelings. Else, they would be struck with the utter incongruity of the policy of the open door throughout the East for the Europeans, on which they insisted, and the policy of the closed door against all Easterns in most Western colonies. Those were matters, however, which had to be dealt with in a spirit of compromise, as he had already pointed out on the previous day, and he earnestly hoped that the Chinese community would press their claims just as British Indians were doing, in order that the many grievances of both might be redressed. In one respect the Chinese stood in a position of advantage. They had their own independent Government behind them, which could negotiate in this matter and was not embarrassed with promises and undertakings such as were understood to hamper the Imperial Government in regard to this Indian question. On the other hand, the Indian Government could not negotiate directly with the South African Government, but could act only through the Imperial Government, whose hands, as he had said, were more or less tied because they considered they had granted self-government to South Africa. He had been told by a distinguished gentleman the previous evening that his bringing in the Imperial Government so often was liable to be misunderstood, because it might appear as though he were advocating Imperial intervention in South African affairs. He had no wish that the Imperial Government should interfere in South African affairs in any matter, but if South Africans would treat the Indian community as they did, the Indian community was surely entitled to appeal to the protection of the Imperial Government, which protection was due to it and was its sole resource in an extremely difficult position. If South Africans did not want the Imperial Government to intervene, and he had no wish that the Imperial Government should intervene, the only course was that they should set the matter right themselves.

#### SPEECH AT MARITZBURG.

Maritzburg, he said, was the capital of Natal, and Natal was at the heart of the Asiatic problem. Looking up some statistics on the point, he found that of the 150,000 Indians in South Africa, no less than 120,000 had been brought in by the British Government, mainly for the benefit of the Natal Colonists, or were the descendants of Indians so brought in. He did not wish to press the point unduly, but he felt that so significant a fact threw a special responsibility on Natal to solve the difficulty of the Indian problem, which he would at once admit was a most delicate and complicated one. He had tried both before and since coming to this country to get a truer view of the situation, and was bound to recognise that the position of the white community in this sub-continent was a very difficult one. A great many allowances would have to be made, and he realised that he would have to enter into the feelings of the European community in order to suggest a remedy that would have a chance of proving satisfactory to all sides. He came to South Africa with that feeling, and all he had since heard and seen since his arrival in the country had gone to confirm the opinion that it would be no easy matter to find a solution that would be satisfactory to all parties. On the one side was a small European community, in a vast country, scattered among a vast number of natives. That in itself was a tremendous problem, because the two races were of different grades of civilisation and their contact had already produced difficulties, social, political, economic, and moral. The European community naturally wished to safeguard its own civilisation, its own culture, and its own interests. That was only natural. Then the Indian factor had been introduced. Their numbers at present were small, but there was a fear in the mind of many Europeans that unless drastic measures were taken their numbers would grow, and they would possibly one day swamp the European community. He had come to think that a large part of the conditions of which the Indians, perhaps rightly, complained, was due to that fear. Then came trade jealousies, the European fearing that, with his simpler standard of living, the Indian would undersell him. That was a question, however, which had two sides. The complaint came from the small trader, who was inconvenienced, not from the community as a whole, which, if it was interested in anything, was interested in buying as cheaply as possible.

The feeling in India was not quite realised in this country. Indian sentiment had been most deeply aroused by the statements that had been made there of the unjust treatment of Indians here and the narration of the grievances under which they laboured. The principal of these grievances were the general treatment of resident Indians, the £3 licence demanded of ex-indentured Indians and their children who chose to remain free in Natal, and the withholding of trading licences. In India they thought that these men had given the best that was in them to this land—European Commissioners in Natal had stated that clearly—and that but for the Indians the prosperity of Natal would have dwindled and gone. They realised that the Indians were brought here so that Natal might prosper, but now they were not allowed to settle here or engage in business, and the feeling of the European community was that they should go back to India. Under the indenture system promises were made by the British Government to the Government of India that after the period of indenture was over the Indians would be allowed to settle here and have every opportunity to rise as high as their merit and ability allowed. From 1860 to 1880 the fear was that no more Indians would come, and inducements were offered to those here to remain. In the 'eighties a change took place in the attitude of the European. The Indians increased in numbers, jealousy began to be felt, and ultimately a feeling of antagonism developed. In India they saw these things, but they could not understand how anybody could justify them. He felt very strongly that they must either keep the Indian here on terms not inconsistent with the broad requirements of policy or they must get rid of them. There was a very strong feeling in India in consequence of the stories current there. He had of course his own view before he left India, but he had come here to study the question, and he would be unworthy of his mission if he failed to do his best to approach the question from every side. (Cheers.) He had honestly done his best. (Cheers.) Whether as a result of what he had seen he would be able to submit suggestions to the Union Government or to the Government of India, was more than he could say, but he had done, he was doing, and he would do his best, and that was all the assurance he could give.

He wanted them to realise that the question was a larger one than it might appear. He had seen it argued that it did not matter if there was discontent in India. That opinion could not be expressed by any who were concerned for the future of the Empire. After all, in some respects India was the pivot of the British Empire—the Empire without India would be a much smaller thing than it was to-day, and nothing done in Natal to-day could fail to react on India. In India they willingly accepted British rule, and gave allegiance to the British flag because under that flag alone could they find the best conditions for their future progress. Indian loyalty was different to the loyalty of the Englishman in that it was a form of enlightened self-interest, because they felt that the flag of England represented those elements of order and progress which would not otherwise be available to them, and they were as anxious to continue under that flag as the people of Natal could possibly be. Feeling in India was very bitter and acute at the treatment accorded to the Indians established here, and the Government of India felt itself powerless in the face of that feeling. India in the past few years had passed through stormy times, but thanks to the statesmanship of the Ministers at Home, and the Viceroy, the country had started on a new career, and with fewer internal problems to occupy the minds of the people they had time to concentrate their attention on the situation of the Indians in this country. For himself, he saw the anxiety of the European to restrict immigration, he saw the strength of the contention that this country must be pre-eminently European. That was a position which it was possible to understand and to accept. He felt that the European was bound to be dominant in this country for as long as one could see, and on the question of unrestricted immigration, it should not be difficult to arrive at a reasonable compromise; but as regards the Indians already in the country, he thought the only possible solution was to treat them so far as possible on equal terms as subjects of the one Union. If that sense of equality were withheld from them what was their position? They were cut off from their own country, and were settled here. If they could not remain here without harassing restrictions, he did not know what would happen to them. They could not go back to India because they had lost touch. They were here, they had done good work, and he thought it was only reasonable that they should have equal facilities for earning a decent livelihood. (Hear, hear.) A previous speaker had said that if the Empire was to endure it must be based on justice. Any policy which preferred the interest of one section at the expense of another, however convenient it might be temporarily to do, if it became a permanent policy, would lead to disaster. While justice persisted, he had no doubts as to the future of the British Empire. He had known the Britisher for many years, and he knew that however strongly other interests might prevail, deep down in the heart of every Britisher was a feeling for justice and fair play, which would prevent any selfish policy being adopted for very long. All Governments made mistakes, but as long as a sense of justice existed there was a certainty of such mistakes being remedied and corrected. He trusted that whatever policy Natal and South Africa adopted would be a policy which took due note of the claims of the Indians who now lived here, and would be just and humane,

## SPEECH AT DURBAN.

South Africa was associated first and foremost in India with the name of Durban. Almost every Indian who had come to this sub-continent had landed at Durban, and it was from Durban that they had now spread over the rest of South Africa. But even to-day the largest Indian community in the country was to be found in and around Durban, and the interest of the European citizens of Durban in the problem was greater and more intimate than that of Europeans in any other part of South Africa. He had not come to this country without having ideas of his own on the question. But he had come with the determination to do his best to see both sides of a most difficult problem. Up till recently they in India had been unable to give much attention to the question. They had had to deal with serious questions of internal administration, which occupied all their attention, and had no room for the South African Indian question. In fact, four or five years ago it appeared that they were facing a very grave crisis, and nobody knew what the end was to be. But wise English statesmanship came to the rescue, and enabled India to tide over the crisis, with the result that the problems of to-day were not so acute. But this relief from anxiety at home had enabled them to centre their attention on the treatment of Indians in South Africa.

The matter came to their notice most prominently at the time of the recent trouble in the Transvaal, and then they had had their attention drawn to various aspects of the indentured labour question and to the £3 licence tax imposed on ex-indentured men, women and children who sought to remain free in Natal. The result was that there was a strong feeling in India to-day that Indians were not receiving in this country the treatment they ought to receive. He was not expressing any personal opinion; he only desired they should realise what the feeling of India, rightly or wrongly, was. The feeling that the treatment which South African Indians were receiving was not that to which they were entitled under the British flag was growing so strong in India, and a feeling of bitterness was developing so seriously that the Government of India and public men in India had grown nervous as to future developments. And when he received the invitation from the Indian community of South Africa to come and help them, he was glad to be able to say that he would do so, because that invitation coincided with the desires of the Indian population in India. He came primarily at the instance of the community here, but also in accordance with the wishes of the Indian people and with the goodwill of the Indian and Imperial Governments. To those of them who, in common with people in other parts of the Empire, were responsible for maintaining the greatness and glory of the Empire, it was right, he thought, that he should explain this feeling in India in order that they might know what line of action to adopt, so that any reasonable cause that might exist for the feeling might speedily be removed. There was no desire on the part of Indians to do any injustice to the position of the European community here. He was able to realise that the position of the European was extremely difficult, and that conviction had been strengthened as he had toured the country. The position was a most complicated one, and while it was to be expected that they would be true to the traditions associated with British rule, they had also a right to ask the Indian community to understand and realise the difficulties, and not expect what was practically impossible. The European community was a small community in this country in the midst of a large indigenous population, and the situation necessarily became more complicated by the presence of a third party, differing in tradition and mode of living. There was no doubt that the European element must continue to predominate in this land—that it must be made to feel that its position and its special civilisation were absolutely secure; the government of the country must be in accordance with Western traditions and modes of thought. But a solution of the difficulty would only be possible if the two sides entered into one another's feelings.

There were, of course, other questions—trade jealousies and competition, and the like; but these he put on a lower footing, because, after all, people wanted to get their things as cheaply as possible, and if the Indian sold his goods at a cheaper price than the European he was surely entitled to do so. The interests involved were greater than these—the interests involved affected the welfare of the whole Empire. India felt that a great many of her countrymen had been brought into this country by the British Government, responsible for its administration before the people of the country were granted responsible government. Out of 150,000 Indians nearly 120,000 were either indentured or ex-indentured, or their descendants. That meant that nearly the whole population in South Africa had been brought to the country in the country's interests. India's tradition in regard to the stranger had always been one of the utmost hospitality, and the people of India could not understand this treatment of those to whom Natal was admittedly so beholden. But, so far as emigrating was concerned, the Indian was not keen. They were not an emigrating people, and the mere stopping of emigration to this country would not trouble them. There was scarcity of labour in India to-day, and they were not requiring any outlet for surplus population. The position which Natal occupied to-day was largely owing to Indian labour, and when this labour was introduced specific promises were made by the Imperial Government to the Government of India as to how the people coming

here would be treated. The Government told the people that they would be allowed to settle here after their indenture was complete, that land would be allotted to them, and that facilities would be given them to prosper. Nothing was to retard their advancement. And this was the attitude for twenty years. Afterwards, however, the attitude of the Europeans commenced to change, until a sentiment of absolute hostility to the Indian settlers had grown up in many quarters. Considering the origins of the Indian population here, India to-day could not understand how anybody could raise the cry that these people should either be sent back to India or subjected to disabilities extremely unjust and humiliating in their character. They felt they were members of the Empire just as much as the Europeans. They accepted British rule because they felt that under England's flag they would attain the respect of civilised peoples. Their loyalty to the Empire was based on self-respect and self-interest, and it was none the less real on that account. Nothing should be done to make them feel that they were only helots of the Empire—mere hewers of wood and drawers of water. If the English flag stood for one thing more than another it stood for freedom and justice to all under it. It was, therefore, necessary that in whatever part of the Empire Indians happened to be they should be enabled to feel that the cause of freedom was safe with them, and that they would be treated on a basis of justice. The stories reaching India just now were calculated to weaken that feeling, and if this feeling grew—namely, that in spite of promises made, Indians were to be held down as a depressed class—then he assured them that, no matter how long it might be, the cause of British rule in India would be in serious jeopardy. India was not the India of fifty years ago. The East was awakening and India was in the midst of a new national consciousness, and the question could only be solved by approaching it from this point of view. He appealed to them to look at the question from the only standpoint from which it could be approached, and he could wish for nothing better than that some of the men of this sub-continent would go to India, see what India was, and understand what she meant to the Empire. Then they would realise the necessity for finding some solution satisfactory to both sides, and close this question once and for all as speedily as possible.

#### SPEECH AT PRETORIA.

“There is no doubt that there is a great deal of feeling on the question on both sides, and this makes a dispassionate examination of the matter even more difficult than it would otherwise be. I have said, and I say it again, that, in the conclusions at which I have arrived, I have tried to keep in view the fact that the interests of both sides must, in some way or other, be reconciled. The fundamental question is how there shall be secured just and equitable treatment for those Indians who are here now, and their number is about 150,000. Whilst here I have heard it urged that a settlement may be found by sending these people back to India. It may be a solution of one aspect of the problem, but, assuming that it is a desirable solution, which I think it is not, it is, for financial and other reasons, absolutely impracticable. These 150,000 people are here, they cannot be repatriated, they must therefore remain here and they must become more and more an integral and a permanent part of the general population of this sub-continent.

“The most important question, then, is to what just and equitable treatment these people are entitled, and how such treatment may best be secured. Now one thing is quite clear, that if a solution of this problem is to have any permanence and finality, it has to be such as will be acceptable to the European community, who are, after all, the dominant people of this country. And so long as there exists in the European mind the fear of a continued influx of Indians, there cannot be that frame of mind on its part which would allow of any settlement being a success. The European community must therefore receive, and the Indian community must be prepared to give, the necessary assurances to remove the fear on this point. Again, there must be no room for a reasonable apprehension in the mind of the Europeans that the presence of the Indians in this land would lower the character of the political institutions under which they desire to live. I fully recognise that South Africa must be governed along the lines of Western political institutions and by men who understand the spirit of those institutions, and the European community are entitled to an assurance that this shall remain so. These assurances, however, being given outside these questions of immigration and franchise, the aim of the Government should be to make the Indians feel that they are living under equal laws, and that those laws are administered towards them with no undue harshness, but the same as towards the other people of the country. At present the Indians throughout South Africa feel, and justly feel, that even outside the two questions I have mentioned, they are subjected to harsh legislation specially directed against them, and, further, the administration of that legislation is, if anything, even harsher in spirit. To take only the more important grievances, the Immigration Law is being now worked in such a rigorous manner as to cause the Indian community most serious hardships. In Cape Colony, for instance, there is the system of permits under which an Indian who may have settled in the Colony is permitted to be absent from the country for a stated period, generally one year. Only

the other day an Indian trader who had gone to India on a year's permit, leaving his wife and children and his business behind, returned to the Colony, but he was prevented from landing because he had exceeded the period of absence by one day. This was owing to no fault of his, for if the steamer by which he came had run according to scheduled time he would have arrived three days before the expiry of the permit, but it was held up on the way by a storm for four days, and this led to his arriving a day late. And yet because of this accident he has been forced to go back to India, and his business has been ruined and his wife and children have now to follow him. The same thing is happening in Natal in connection with domicile certificates. The holders are cross-examined about their whole life and movements in this country during long periods—sometimes as long as fifteen years—and even small discrepancies between the answers given and the facts already recorded are held to justify the discrediting the certificates, and the holders are sent back to India. Now all this is grievously unjust, and I am sure only public attention has to be pointedly drawn to it to secure its stoppage, for I cannot believe that there is any desire on the part of the European community of this country to harass the Indians in this unnecessary manner. There are several other complaints to be heard everywhere about the working of the Immigration Law, but I will not go into them now. I sincerely trust that with the removal of the fear of a continued influx of Indians into this country, the Immigration Law will be administered in a far more considerate and sympathetic spirit, and all the present soreness of feeling of the Indian community in regard to it, and all sense of insecurity produced by it will be removed. Next there is the question of trading licences. This appears to be in some respects the most difficult problem of all. The Europeans feel that they are gradually being crowded out by the Indians, that the Indians undersell them, and that important branches of trade are likely to fall entirely into Indian hands. That is the European viewpoint. On the other hand, the Indians feel that their freedom is being unjustly interfered with, that all outlets are being steadily closed to them, and that gross injustice is being done to them. Now while I do not seek to minimise in any degree the argument on the European side, I must frankly say that I have always felt that the traders who are injured, if at all, by the competition of the Indians are a very small part of the community, and that, if the argument be that the Indians sell cheaper, it must surely be to the general advantage of the community, whose interest it is to buy cheaper. But that apart, what reason can be given for the refusal to transfer a trading licence from one man to another or to allow him to take his own son into partnership, as was the case only a day or two ago in Ladysmith? This is certainly neither fair nor equitable treatment, and anyone can see that its sole object is to extinguish Indian trade, as opportunities arise. This is absolutely unjustifiable. Moreover, what is to be the fate of those who are born here, under this policy? The matter of the control of trading licences, in at least two Provinces of the Union, is in the hands of the local authorities, and there is no right of appeal except as to renewal of licences in Natal, or on grounds of procedure, to a judicial tribunal, so that flagrant injustices are constantly perpetrated and go unremedied. That right of appeal against the interested decisions of their trade-competitors must be given to Indians if anything like justice is to be done to them. I quite recognise that direct interference by the Government is impracticable, with the law as it stands, but the restraining influence of the Government may be exerted in many directions, and I earnestly trust that it will be used to bring about a feeling of security in the mind of the Indian trader and remove a grievous sense of injustice and wrong.

“The question of the education of Indian children born in South Africa is also one about which the community has a great grievance at the present time. Very little provision for that education is made, and yet these children, when they grow up, must be absorbed into the general population to whose material and moral well-being they will be expected to contribute. Provision should therefore be made, not only for elementary but also for the higher and for the technical education of these children. Instruction should also be given in the Indian vernaculars in school hours. I should like the European public to lay emphasis upon this requirement, for, so long as such instruction is not given, it is a legitimate excuse for the Indian community to ask for the admission of clerks and others so instructed, for the proper keeping of their books, which are at present kept in their vernaculars, as it is impossible at present for their own children to become proficient in the Indian vernaculars in this country.

“These are the most important general grievances of which the Indian community has good reason to complain at present. Beyond these there are a number of specific disabilities imposed upon the Indian residents of the different Provinces, such as Law 3 of 1885 in the Transvaal or the Gold Law and the Townships Act of 1908, which prevents Indians from residing or trading except in locations in all so-called gold areas. But I do not propose to-night to deal with them. To one such only I wish to make particular reference, and that is the £3 tax imposed in Natal upon all ex-indentured Indians and their descendants, men and women, boys above sixteen years, and even girls above thirteen years being included, who do not return to India after the expiry of their indentures and who do not desire to re-indenture. I make bold to say that it is difficult to imagine

a more harsh and unjust impost, bringing, as it does, untold misery upon those who are required to pay it. Whatever its justification may have been at a time when there was a genuine fear of the country being overrun with indentured Indians, who were being brought here in the interests of a section of the European population itself, there is no doubt that, since the stoppage of indentured recruitment in India, there no longer remains even that shadow of justification for the imposition of this tax. I discussed this subject with a large number of persons in Natal, and I did not find a single individual to justify or support it. And it was a pleasure to me to find that even those who had, two years ago, strongly upheld the impost, are now agreed that it should be abolished altogether. I may state that strong representations in this matter were made by me to the Government to-day, and I have every reason to believe that the matter will receive the early and sympathetic attention of the Ministers.

“Ladies and gentlemen, it is impossible on an occasion like this to do more than indicate in general outline the more serious and pressing of the Indian grievances in this country. And you will not understand me, in what I have mentioned, to have exhausted the whole list. Neither have I touched on that part of our disabilities which, though acutely felt in the daily life of the community, cannot be put right by any direct action of the Government—I mean the social disabilities. I must say that I am astonished at the strength and intensity of the colour prejudice that exists in this land. I had heard a good deal about it before my arrival, and I was prepared for a certain measure of it. But not till I actually was in this country did I realise the full force with which it operates nor the extent to which it prevails. However, the only hope of a remedy in such matters is in the steady improvement of the general situation and the gradual education of the heart. Meanwhile it is wise to take note of the existence of this prejudice in any solution of present difficulties that may be thought of or attempted. And now, ladies and gentlemen, I would like to say a word publicly to the Government of this country. The difficulties of its position are great and undoubted. The delicate relations between the two European races, the social problems connected with the future of the vast native population, the powerful colour prejudice, the widespread apprehension among a section of the white population that their material interests are seriously threatened by Indian competition—all these make the position of the Government one of exceptional difficulty. And though its duty to secure the fullest justice to the resident Indian community is clear I freely recognise that the strongest Government that may be conceived of will not be strong enough to redress all Indian grievances at once, and would be hurled from power, if it attempted to do so. I feel it is incumbent on the Indian community to realise this fully and not pitch its expectation too high—to exercise patience and self-restraint as far as possible, in order to facilitate the task of the Government, for any impatient or vehement insistence on immediate relief being granted, where the Government itself is not in a position to grant it without a considerable change in public opinion, can only retard, and not hasten, remedial action. But, while admitting all this, I feel strongly that the face of the Government must be set all through in the right direction, and the progress, slow as it may be, must be steady and continuous towards full justice to the Indian population. It is one of the primary duties of every Government to ensure justice to all who are living under its protection, and the Government of South Africa owes this duty to the Indian population as much as to any other section of the community. And the fact that the Indians have no votes only emphasises this duty still further. The Indians resident in South Africa are a part and parcel of the general population, and their welfare must be an object of serious solicitude to the Government, unless the idea is to hold them down permanently as a depressed community, which I cannot believe. Those who form the Government may be dependent on the votes of the European population for their position. But once they assume the functions of Government, they make themselves responsible for even-handed justice to all, and to those who are least able to protect themselves from oppression and injustice they are bound to give their protection most.

“My final word to-night will be one of appeal to what I would call the better mind of the two communities, European and Indian. To the European community I would respectfully say—you have all the power and yours, therefore, is the responsibility for the manner in which the affairs of this land are administered. You cannot believe in your heart of hearts that whatever temporary advantages may be gained by those who have power from a policy based on obvious injustice, selfishness, or unreasoning prejudice, such advantages can long endure. You owe it to your good name, you owe it to your civilisation, you owe it to the Empire of which you are part, and whose flag stands for justice and freedom and opportunities for progress for all who live under its protection, that your administration should be such that you can justify it in the eyes of the civilised world. That you have votes, and the Indians have not, only throws a double responsibility on you—the responsibility for actively promoting their prosperity and well-being as well as yours. The affairs of this country must no doubt be administered in accordance with European standards and by men who understand the spirit and working of European institutions, but the Government must exist for promoting the prosperity not of the

European community only, but of all its subjects; else it is a travesty of Government to them. To my own countrymen resident in this land, my parting appeal is—always remember that your future is largely in your own hands. You have by no means an easy position here, and it is not impossible that it may grow even worse. But, whatever happens, do not lose faith or give way to despair. I pray to God that such a struggle as you found it necessary to wage in the Transvaal during the last three years may not have to be waged again. But if it has to be resumed, or if you have to enter on other struggles of a like nature for justice denied or injustice forced on you, remember that the issue will largely turn on the character you show, on your capacity for combined action, on your readiness to suffer and sacrifice in a just cause. India will no doubt be behind you. Such assistance as she can give shall freely come to you. Her passionate sympathy, her heart, her hopes will be with you. Nay, all that is best in this Empire, all that is best in the civilised world, will wish you success. But the main endeavour to have your wrongs righted shall have to be yours. Remember that you are entitled to have the Indian problem in this country solved on right lines. And in such right solution are involved not merely your present worldly interests, but your dignity and self-respect, the honour and good name of your Motherland, and the entire moral and material well-being of your children and your children's children."

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[NOTE.—The Hon. Mr. G. K. Gokhale returned to India in December, 1912, and announced in public that he had received from the Ministers of the South African Union Government the full assurance that the £3 Poll Tax would be withdrawn on the understanding that no objection would be raised in India to the prohibition of further immigration into South Africa from India. The latter was carried out by the Union Government under the Immigrants Regulation Act 22 of 1913. When the assurance of the withdrawal of the £3 Poll Tax (which Mr. Gokhale believed he had received) was not fulfilled, Mr. Gandhi began his Passive Resistance Movement for its withdrawal. This took the form of a march into the Transvaal of over 3,000 Natal Indians, including women and children. Over 2,000 Indians who offered passive resistance were arrested at this time and imprisoned. On the release of Mr. Gandhi in December, 1913, and the invitation sent to him early in January, 1914, by General Smuts to come to Pretoria, the negotiations began, which ended in the Smuts-Gandhi Agreement of June 30, 1914. The documents relating to this Agreement will be found in the first volume of this series.—C.F.A.]

## II. THE PASSIVE RESISTANCE MOVEMENT.

### TOLSTOY'S LETTER TO GANDHI.

The following is the translation of a letter of Count Tolstoy's to Mr. Gandhi, which helped him during the passive resistance struggle :—

Kotchety, Russia,  
Sept. 7th, 1910.

I received your journal, and was pleased to learn all contained therein concerning the passive resisters. And I felt like telling you all the thoughts which that reading called up in me.

The longer I live, and especially now, when I vividly feel the nearness of death, I want to tell others what I feel so particularly clearly and what to my mind is of great importance, namely, that which is called passive resistance, but which is in reality nothing else than the teaching of love uncorrupted by false interpretations. That love—*i.e.* the striving for the union of human souls and the activity derived from this striving—is the highest and only law of human life, and in the depth of his soul every human being (as we most clearly see in children) feels and knows this ; he knows this until he is entangled by the false teachings of the world. This law was proclaimed by all—by the Indian as by the Chinese, Hebrew, Greek and Roman sages of the world. I think this law was most clearly expressed by Christ, who plainly said, "In this only is all the law and the prophets." But besides this, foreseeing the corruption to which this law is and may be subject, he straightway pointed out the danger of its corruption, which is natural to people who live in worldly interests, the danger, namely, which justifies the defence of these interests by the use of force, or, as he said, "with blows to answer blows, by force to take back things usurped," etc. He knew, as every sensible man must know, that the use of force is incompatible with love as the fundamental law of life ; that as soon as violence is permitted, in whichever case it may be, the insufficiency of the law of love is acknowledged, and by this the very law is denied. The whole Christian civilisation, so brilliant outwardly, grew up on this self-evident and strange misunderstanding and contradiction, sometimes conscious, but mostly unconscious.

In reality, as soon as force was admitted into love, there was no more love ; there could be no love as the law of life ; and as there was no law of love, there was no law at all, except violence—*i.e.*, the power of the strongest. So lived Christian humanity for nineteen centuries. It is true that in all times people were guided by violence in arranging their lives. The difference between the Christian nations and all other nations is only that in the Christian world the law of love was expressed clearly and definitely, whereas it was not so expressed in any other religious teaching, and that the people of the Christian world have solemnly accepted this law, whilst at the same time they have permitted violence, and built their lives on violence ; and that is why the whole life of the Christian peoples is a continuous contradiction between that which they profess and the principles on which they order their lives—a contradiction between love accepted as the law of life and violence which is recognised and praised, acknowledged even as a necessity in different phases of life, such as the power of rulers, courts and armies. This contradiction always grew with the development of the people of the Christian world, and lately it reached the highest stage. The question now evidently stands thus : either to admit that we do not recognise any religio-moral teaching, and we guide ourselves in arranging our lives only by power of the stronger, or that all our compulsory taxes, court and police establishments, but mainly our armies, must be abolished.

This year, in spring, at a Scripture examination in a girls' high school at Moscow, the teacher and the bishop present asked the girls questions on the Commandments, and especially on the sixth. After a correct answer, the bishop generally put another question, whether killing was always in all cases forbidden by God's law, and the unhappy young ladies were forced by previous instruction to answer, "Not always"—that killing was permitted in war and in execution of criminals. Still, when one of these unfortunate young ladies (what I am telling is not an invention, but a fact told me by an eye-witness), after her first answer, was asked the usual question, if killing were always sinful, she, agitated and blushing, decisively answered, "Always," and to all the usual sophisms of the bishop she answered with decided conviction, that killing was always forbidden in the Old Testament and not only killing was forbidden by Christ, but even every wrong against a brother. Notwithstanding all his grandeur and art of speech, the bishop became silent and the girl remained victorious.

Yes, we can talk in our newspapers of the progress of aviation, of complicated diplomatic relations, of different clubs and conventions, of unions of different kinds, of so-called productions of art, and keep silent about what that young lady said. But it cannot be passed over in silence, because it is felt, more or less dimly, but always felt by every man in the Christian world. Socialism, Communism, Anarchism, Salvation Army, increasing crime, unemployment, the growing insane luxury of the rich and misery of the poor, the alarmingly increasing number of suicides—all these are the signs of that internal contradiction which must be solved and cannot remain unsolved. And they must be solved in the sense of acknowledging the law of love and denying violence. Therefore your activity in the Transvaal, as it seems to us, at this end of the world, is the most essential work, the most important of all the work now being done in the world, wherein not only the nations of the Christian, but of all the world, will unavoidably take part.

#### PASSIVE RESISTANCE.

(By M. K. GANDHI.)

I shall soon be far away from Phœnix, if not actually in the Motherland, and I would leave behind me my innermost thoughts. The term "Passive Resistance" does not fit the activity of the Indian community during the past eight years. Its equivalent in the vernacular, rendered into English, means Truth-Force. I think Tolstoy called it also Soul-Force or Love-Force, and so it is. Carried out to its utmost limit, this force is independent of pecuniary or other material assistance; certainly, even in its elementary form, of physical force or violence. Indeed, violence is the negation of this great spiritual force, which can only be cultivated or wielded by those who will entirely eschew violence. It is a force that may be used by individuals as well as by communities. It may be used as well in political as in domestic affairs. Its universal applicability is a demonstration of its permanence and invincibility. It can be used alike by men, women, and children. It is totally untrue to say that it is a force to be used only by the weak so long as they are not capable of meeting violence by violence. This superstition arises from the incompleteness of the English expression. It is impossible for those who consider themselves to be weak to apply this force. Only those, who realise that there is something in man which is superior to the brute nature in him, and that the latter always yields to it, can effectively be Passive Resisters. This force is to violence and, therefore, to all tyranny, all injustice, what light is to darkness. In politics, its use is based upon the immutable maxim that government of the people is possible only so long as they consent either consciously or unconsciously to be governed. We did not want to be governed by the Asiatic Act of 1907 of the Transvaal, and it had to yield before this mighty force. Two courses were open to us—to use violence when we were called upon to submit to the Act, or to suffer the penalties prescribed under the Act, and thus to draw out and exhibit the force of the soul within us for a period long enough to appeal to the sympathetic chord in the governors or the law-makers. We have taken long to achieve what we set about striving for. That was because our Passive Resistance was not of the most complete type. All Passive Resisters do not understand the full value of the force, nor have we men who always from conviction refrain from violence. The use of this force requires the adoption of poverty, in the sense that we must be indifferent whether we have the wherewithal to feed or clothe ourselves. During the past struggle, all Passive Resisters, if any at all, were not prepared to go that length. Some again were only Passive Resisters so-called. They came without any conviction, often with mixed motives, less often with impure motives. Some even, whilst engaged in the struggle, would gladly have resorted to violence but for most vigilant supervision. Thus it was that the struggle became prolonged; for the exercise of the purest soul-force, in its perfect form, brings about instantaneous relief. For this exercise, prolonged training of the individual soul is an absolute necessity, so that a perfect Passive Resister has to be almost, if not entirely, a perfect man. We cannot all suddenly become such men, but, if my proposition is correct—as I know it to be correct—the greater the spirit of Passive Resistance in us, the better men we will become. Its use, therefore, is, I think, indisputable, and it is a force which, if it became universal, would revolutionise social ideals and do away with despotisms and the ever-growing militarism under which the nations of the West are groaning and are being almost crushed to death, and which fairly promises to overwhelm even the nations of the East. If the past struggle has produced even a few Indians who would dedicate themselves to the task of becoming Passive Resisters as nearly perfect as possible, they would not only have served themselves in the truest sense of the term, they would also have served humanity at large. Thus viewed, Passive Resistance is the noblest and the best education. It should come, not after the ordinary education in letters of children, but it should precede it. It will not be denied that a child, before it begins to write its alphabet and to gain worldly knowledge, should know what the soul is, what truth is, what love is, what powers are latent in the soul. It should be an essential of real education that a child should learn that, in the struggle of life, it can easily conquer hate by love, untruth by truth, violence by self-suffering. It was because I felt the forces of this truth, that, during the latter

part of the struggle, I endeavoured, as much as I could, to train the children at Tolstoy Farm and then at Phoenix along these lines, and one of the reasons for my departure to India is still further to realise, as I already do in part, my own imperfection as a Passive Resister, and then to try to perfect myself, for I believe that it is in India that the nearest approach to perfection is most possible.

### WOMEN AND PASSIVE RESISTANCE.

(By Mrs. POLAK.)

Ruskin has said : " A woman's duty is twofold, her duty to her home and her duty to the State." Scarcely an Indian woman in South Africa has read Ruskin's words, probably never heard of them, but the spirit of truth manifests itself in many ways and places, and the Indian women of South Africa intuitively knew this as one of the true laws of life, and their work showed that they performed their greater duty accordingly. These women, without any training for public life, accustomed to the retirement of women of India, not versed or read in the science of sociology, just patient, dutiful wives, mothers, and daughters of a struggling class of workers, in an hour of need, moved by the spirit of a larger life, took up their duty to their country, and served it with that heroism of which such women alone are capable.

It is said so often that woman does not reason, and perhaps it is a charge largely true, but where the elementary laws of being are concerned, woman follows a surer path than any dictated by reason, and sooner or later gets to her goal. Every reform movement has shown that, from the moment women stand side by side with men in the maintenance of a principle, however dimly understood by them, the spirit of the movement grows, is crystallised, and success to the movement is assured.

The Westerner is so accustomed to think of the Indian woman as one living in retirement, without any broad thought and without any interest in public affairs, that it must have come with a shock of surprise to learn that many Indian women, some with babies in their arms, some expecting babies to be born to them, and some quite young girls, were leaving their homes and taking part in all the hardships of the Passive Resistance campaign.

The last phase of the fight, and the one through which to-day we rejoice in peace, was practically led in the early stages by a small band of women from Natal, who challenged prison to vindicate their right to the legal recognition of their wifehood, and a similar small band of women from Johannesburg.

The women from Natal, all of them wives of well-known members of the Indian community, travelled up to Volksrust, were arrested and sentenced to three months' hard labour, and were the first of hundreds to go to gaol. The women from the Transvaal travelled down the line, taking in the mines on their way, holding meetings and calling upon the men to refuse to work and to die rather than live as slaves, and at the call of these women, thousands laid down their tools and went on strike. I think it may safely be said that, but for the early work of these brave women, during the middle of last year, the wonderful response to the call of honour and country might never have taken place. About six weeks after the Transvaal women left, they also were arrested, and a similar sentence to that passed upon the women of Natal was passed upon them. So these brave women were shut away from life, but the fight now so splendidly begun went on to the end.

A few days after the release of these last women, two gave birth to children, and another, a young girl of about twenty, passed away, and a third hovered between life and death for months, but the goal was won. To-day all these women are back in their homes and are busy in the usual routine of an Indian woman's life. There is absolutely none of the pride of heroism about them. They are the same patient, dutiful women that India has produced for centuries, yet they endured the publicity ; and no one who does know India can understand how terrible to the Indian woman such publicity is. They endured the physical hardship, the mental sorrow, the heartache : for nearly all who did not take young children with them left young ones at home, enduring hunger strikes, because they were deprived of fat to eat and sandals to put on—endured it all without hardness or bitterness. India has many things to be proud of, but of none more than the part the Indian women of South Africa took in the uplifting and recognition of a people here despised.

### MR. GANDHI'S SPEECH AT VERULAM.

One of the most important gatherings held just before Mr. Gandhi left South Africa was the great meeting of indentured Indians and employers at Verulam. In his address Mr. Gandhi took pains to make the position under the Indians' Relief Act absolutely clear to the Indian labourers, and addressed a few earnest words at the close to the European employers of the neighbourhood.

He asked his countrymen to understand that it was wrong for them to consider that the relief that had been obtained had been obtained because he had gone to gaol, or his wife, or those who were immediately near and dear to him. It was because *they* had had the good sense and courage to give up their own lives and to sacrifice themselves, and in these circumstances he had also to tell them that many causes led to that relief, and one of these was certainly also the most valuable and unstinted assistance rendered by Mr. Marshall Campbell of Mount Edgecombe. He thought that their thanks and his thanks were due to him for the magnificent work that he did in the Senate whilst the Bill was passing through it. They would now not have to pay the £3 tax, and the arrears would also be remitted. That did not mean that they were free from their present indentures. They were bound to go through their present indentures faithfully and honestly; but, when those indentures terminated they were just as free as any other free Indian, and they were entitled, if they would go to the Protector's office, to the same discharge certificate as was granted to those who came before 1895, under Law 25 of 1891. They were not bound to re-indenture nor to return to India. The discharge certificates would be issued to them free of charge. If they wanted, after having gone to India, to return, they could only do so after they had lived for full three years in the Province as free men after serving their friends. If any of them wished to have assistance for going to India, they could obtain it from the Government if they did not wish to return from India. If, therefore, they wanted to return from India, they would fight shy of that assistance which was given to them by the Government, but would find their own money or borrow it from friends. If they re-indentured, they could come under the same law, namely, Law 25 of 1891. His own advice to them was not to re-indenture, but by all means to serve their present masters under the common law of the country. If ever occasion arose, which he hoped would never happen, they now knew what it was possible for them to do. But he wanted to remind them of this one thing, that Victoria County, as also the other districts of Natal, had not been so free from violence on their own part as the Newcastle district had been. He did not care what provocation had been offered to them or how much they had retaliated with their sticks or with stones, or had burned the sugar cane—that was not Passive Resistance, and, if he had been in their midst, he would have repudiated them entirely and allowed his own head to be broken rather than permit them to use a single stick against their opponents. And he wanted them to believe him when he told them that Passive Resistance pure and simple was an infinitely finer weapon than all the sticks and gunpowder put together. They might strike work, but they might compel nobody else to strike work, and if, as a result of their strike, they were sentenced to be imprisoned, whipped, or to both, they must suffer even unto death—that was Passive Resistance, nothing else. Nothing else, and nothing less than that, would satisfy the requirements of Passive Resistance. If, therefore, he was indentured to Mr. Marshall Campbell, or Mr. Sanders, or any friends about there, and if he found that he was being persecuted or not receiving justice, in their case he would not even go to the Protector; he would sit tight and say: "My master, I want justice or I won't work. Give me food if you want to, water if you want to; otherwise I sit here hungry and thirsty," and he assured them that the hardest, stoniest heart would be melted. Therefore, let that sink deeply into themselves, that whenever they were afraid of any injury being done to them all, that was the sovereign remedy, and that alone was the most effective remedy. If they wanted advice and guidance, and many of them had complained that he was going away, and that his advice would not be at their disposal, all he could suggest to them was that, although he was going away, Phoenix was not leaving and, therefore, if they had any difficulty they should go to Phoenix and ask Mr. West or Mr. Chhaganlal Gandhi what was to be done in a particular case. If Mr. West or Mr. Chhaganlal could help them, they would do so free of charge, and if they could not they would send them to Mr. Langston or his other brothers in the law, and he had no doubt that, if they went to Mr. Langston with a certificate from Mr. West that they were too poor, he would render them assistance free of charge. But, if they were called upon to sign any document whatsoever, his advice to them was not to sign it unless they went to Phoenix and got advice. If Phoenix ever failed them and wanted a farthing from them, then they should shun Phoenix.

The scene before him that morning would not easily fade from his memory, even though the distance between him and them might be great. He prayed that God might help them in all the troubles that might be in store for them, and that their conduct might be such that God might find it possible to help them. And to the European friends living in this country he wished to tender his thanks, and he wished also to ask them to forgive him if they had ever considered that during that awful time he was instrumental in bringing about any retaliation at all on the part of his countrymen. He wished to give them this assurance that he had no part or parcel in it, and that, so far as he knew, not a single leading Indian had asked the men to retaliate. There were times in a man's life when he lost his senses, his self-control, and, under a sense of irritation, fancied or real, began to retaliate when the brute nature in him rose, and he only went by the law of "might is right," or the law of retaliation—a tooth for a tooth. If his countrymen

had done so, whether under a real sense of wrong or fancied, let them forgive him and let them keep a kind corner in their hearts ; and if there were any employers of indentured labour there present who would take that humble request to them, he did ask them not to think always selfishly, though he knew it was most difficult to eradicate self, and let them consider these indentured Indians not merely as cattle which they had to deal with, but as human beings with the same fine feelings, the same fine sentiments as themselves. Let them credit them to the fullest extent with their weaknesses, as also at least with the possibility of all the virtues. Would they not then treat their Indian employees even as brothers ? It was not enough that they were well treated as they well treated their cattle. It was not enough that they looked upon them with a kindly eye merely ; but it was necessary that employers should have a much broader view of their own position, that they should think of their employees as fellow human beings and not as Asiatics who had nothing in common with them who were Europeans, and they would also respond to every attention that might be given to them. Then they would have an intelligent interest not merely in the material or physical well-being of their men, but in their moral well-being. They would look after their morality, after their children, after their education, after their sanitation, and, if they were herding together in such a manner that they could not but indulge in hideous immorality, that they would themselves recoil with horror from the very imagination that the men who were for the time being under their control should indulge in these things because they had been placed in these surroundings. Let them not consider that because these men were drawn from the lowest strata of society, that they were beyond reclamation. No, they would respond to every moral pressure that might be brought to bear upon them, and they will certainly realise the moral height that it is possible for every human being, no matter who he is, no matter what tinge of colour his skin possesses.

#### THE COLONIAL-BORN INDIAN : THE SETTLEMENT AND HIS FUTURE.

(By A. CHRISTOPHER.)

The writer purposes to view " the settlement " born of the Passive Resistance Movement initiated by that great Indian leader, Mr. Gandhi, and brought to a head by the unparalleled event in the life of the Indian community in South Africa, which assumed the form of a huge strike demonstration by thousands of Indian labourers and others—these have now become matters of history—and, incidentally, to consider an aspect or two of the future of the Colonial-born Indian. It is but fair to preface the introspection with the qualification that whilst Mr. Gandhi has declared " the settlement " to constitute the Magna Charta of the Indians in South Africa, he has been careful to add that it would give the Indians a breathing space of time, thereby leaving it to be inferred that, as the Magna Charta signed by King John at Runnymede was but the beginning of what to-day are the liberties, privileges, and responsibilities of the Briton, so from the endeavours of the Indian community following upon " the settlement," yept the Magna Charta of South African Indians by Mr. Gandhi, must come the eventual complete recognition of the Indian in the life of the State here. But to speak of the redress in a fuller or lesser measure of Indian grievances as a settlement of the Indian Question is a misnomer, and can but be true in a restricted sense. The abolition of that iniquitous tax of £3 on ex-indentured Indian immigrants is a settlement, and its effect especially upon the future Indian population will be tremendous and for the good. The legislation upon the marriage question is as much as can be reasonably expected in a country like South Africa, particularly when it is remembered that some provision has been made for the safeguarding of plural wives where such already exist. The removal of the racial bar is a matter of paramount importance to the future of Indians. The just administration of the laws of the country has been promised. Regulations have been framed under the Indians' Relief Act, but so short a time has elapsed since these things have happened that it would be speculative to express dogmatic views upon the details of " the settlement." But the restoration of the right of South African-born Indians to enter the Cape Colony is in a sense a settlement though it carries with it the reservation that in the event of that Province being " flooded " with Indians born in the other Provinces, then that right may be administratively withdrawn. Whether such a reservation was expressed or not, it is in the power of the Legislature to do whatsoever it wills, and where, as in human affairs, there is ever change, there can be no finality, though the settlement of a question at the time it is effected and so long as no developments take place therein, may be viewed as final. This observation on the changes to which man is ever subject is especially applicable to the Colonial-born Indian, who, it has been admitted from the statesman, the Public Commission economist, to the veriest scribbler in the dailies of the country, is a problem in himself, and the solution of this problem will be the end of what is known locally as the Indian Question. The Hon. Mr. Gokhale, when here, advised Colonial-born Indians to seek their own salvation, as to them this land was their home, however much they might look to India as their motherland. Patriotic they might be, and there can be no doubt that they are, but

immediately they were concerned with the affairs of South Africa, and their efforts should be directed to their acceptance in its polity; but this phase of the question is so vast that it permits not a cursory discussion here. Mr. Gandhi, on the eve of his departure from South Africa, was emphatic in his advice that, as the salvation of the Indian Community was in the hands of the Colonial-born Indians, if they who had come to this country were to cut themselves away from them, they would surely be driving a nail into their coffin. These expressions are worthy of remark. They suggest that with the stoppage of Indian immigration—free, restricted or conditional—and with the elimination of the India-born Indian by the hand of death or by return to India, gradually, in the course of a number of years, the entire character of the future Indian population here would be South African. To the South-African born Indian, then, must they, who would solve the Indian Question, turn, and in him they will find material worthy of a part in the structure of South Africa. He is in a state of transition from the East to the West, and if it were possible that the virtues of the Occident and the Orient could be blended in him, then the prediction of Kipling, that the East and the West will never meet, will have been falsified. And there is hope for the Colonial-born Indian, given the opportunities of trade, calling, occupation and freedom of locomotion, with facilities for academic, technical, agricultural, and industrial education, that he will hold his own; but his condition will be cribbed, cabined and confined so long as the proverbial barriers remain in the country with a Union which cannot for ever keep the Indians born in South Africa from realising their oneness of interests and aspirations in life; and this must happen sooner than most people would expect, as the Colonial-born Indian must by the force of his circumstances and environment, become more and more anglicised. If the Jew, than whom none is more tenacious of the language, religion, customs, traditions and history of his nation, be anglicised and yet remain a Jew, it is probable that the Indian may become anglicised and yet be not denationalised. Evidences of this are not wanting, for, with the absorption of much that is English, such as, for instance, certain sports, there goes along with these their national games, and this process is noticeable in almost everything connected with them. But at the same time, the attractions of the West appear to be gaining in strength, and the risk of the Colonial-born Indian eventually in the course of generations losing his power to withstand them even partially is very great indeed. The position, however, is not hopeless, if the communication that existed between India and South Africa by the immigration and emigration of Indians is restored, in any case for the present, by the organisation of a means by which Colonial-born Indian boys and girls may spend some years of their life in India, learning as much as is possible during those years of something of India, its wealth of intellectual and spiritual knowledge, its greatness and its resources, past and present.

And this leads one to consider the means by which the Colonial-born Indian, irrespective of sex—for the education of the girls, the mothers of the nation, is as important as that for the boys—may live and study in India, and the means that suggest themselves are scholarships tenable in India, enabling the student to return from thence the better qualified to earn, and learned in the lore of India to serve his community in a distant land and be patriotic to the country of his fathers. Education doled out to the Colonial-born Indian leaves much to be desired. Mr. Gandhi has already indicated his willingness to assist in the education of Colonial-born Indians in India, and may not the Colonial-born Indian ask the nation-builders of India: Have we not a place in the structure of the national edifice you contemplate, and will you not assist us, so that we may assist you in your patriotic work?

#### A FREE STATE VIEW OF THE SMUTS-GANDHI SETTLEMENT.

(FROM "THE FRIEND," BLOEMFONTEIN.)

Notwithstanding the views that may be held on the Indian question in South Africa, there will be few who will grudge tribute to the character and work of the Indian leader, Mr. M. K. Gandhi. An able man, he has never allowed any selfish motive of place or pay to dictate his course of action. He was pre-eminently a people's leader. Actuated by patriotism, dominated by unflinching belief in the justice of his cause, and stopping to consider no obstacle, except as something to be circumvented, he fought a long, often a lone, but always a clean, straight fight for the cause for which he endured hardship and imprisonment, but never disgrace. Such is the type of man who has just left South Africa for his homeland. It does a country good to have had as a citizen a man of Gandhi's rectitude of character and resoluteness of purpose. It is good to have such a man to disagree with, and we have differed and continue to differ fundamentally from him. He has based his case on the abstract. We have taken our stand on the practical. Hence the vital difference in point of view. In the abstract, we concede that he is mainly right. He is probably thousands of years ahead of the world. The brotherhood of man—white, black, yellow, copper-coloured—is not yet. When it does come, mankind, in all likelihood, will be not one of any of the colours mentioned, but a mixture of the whole. But this matter of the evolution of the human race need not bother us to-day. We have to consider

ourselves as we find ourselves. We have to approach this Indian question, not from the point of view of India, nor of the British Empire, nor even of the peoples of South Africa, but—frankly and bluntly—just merely from the point of view of the comparatively small number of Europeans who have settled in this country. This is precisely one of those questions in which what are called the interests of South Africa come first. We have, however, been permitted to place those interests first simply because we form part of the British Empire. If South Africa were an independent state it is as certain as anything human can be that the British Government, which is responsible for the government of over 300,000,000 Indians, would not have allowed South Africa to settle the question as it has now been settled. Even if the British Government did not intervene—and it is almost unthinkable that, in such circumstances, they would not—some other great Power would be only too eager to take advantage of such an excuse as our treatment of the Indians to force a war upon us for the purpose of annexation and colonisation. It is just as well for us to be under no misconceptions in considering a problem like this.

Fortunately, the South African Government has had the sympathy, the advice and the assistance of the British Government in dealing with the question, and, as we have said, the result is that it has been settled from the point of view primarily of South Africa's interests, *i.e.* the interests of the European population of South Africa, which interests are, of course, and must necessarily be, frankly selfish. With us the question is not one of abstract justice, but of actual self-preservation. Moreover, the present generation of European South Africans is suffering as a result of the selfishness and greed of a previous generation. As Mr. Gandhi very truly points out, the majority of the Indians in the Union to-day are either indentured labourers or their children, to whom South Africa has become either the land of adoption or of birth. These indentured Indians "did not enter the Union as ordinary free immigrants, but they came upon the invitation of and, indeed, after much coaxing by the agents of South African employers of this class of labour." Almost wholly, this Indian burden is one that the Union has had to take over from Natal, and we think the people of that Province should not, when considering other South African problems, forget the terrible legacy they have left us. The solution of the matter was one of the most delicate and serious problems facing the Union Government. That, on the whole, it has been solved by General Smuts on a reasonable and, we hope, a lasting basis will, we think, be generally conceded. Mr. Gandhi, who helped so considerably towards a settlement, says that in future "South Africa will hear little of the Indian problem in its acute form," and, from this point of view, he urges, fairly enough, what are two great admissions made by his people. They have "reconciled themselves to an almost total prohibition by administrative methods of a fresh influx of Indian immigrants and to the deprivation of all political power." This agreement that no more Indians are to come to South Africa and that those who are here do not seek political power will meet the two principal European objections. The problem is now narrowed down to dealing with the Indians who are in South Africa and who are not likely to leave. The most outstanding of their religious, marriage and other grievances have already been met by General Smuts, and matters that still remain will be solved, we hope—to use Mr. Gandhi's words—"in the natural course and without trouble or agitation in an acute form." These include such claims as full rights to trade, inter-Provincial migration and ownership of landed property. Not one of these is European South Africa prepared to grant in its entirety to-day, though within limits the principle of all three has been conceded more or less in one or other portion of the Union. Their ultimate solution, therefore, may be left to evolution, and each can be debated and thrashed out as it arises as a practical question. So far as the Free State is concerned, we are strongly opposed to all three.

#### MR. GANDHI'S FAREWELL SPEECH AT THE JOHANNESBURG BANQUET.

Mr. Gandhi said that they or circumstances had placed him that evening in a most embarrassing position. Hitherto those who had known him in Johannesburg had known him in the capacity of one of many hosts at gatherings of that kind, but that evening they had placed him in the unfortunate position of being a guest, and he did not know how he would be able to discharge that duty. For the other he thought long experience had fitted him, if he might say so with due humility, most admirably; but the present position was entirely new to him and Mrs. Gandhi, and he was exceedingly diffident as to how he was going to discharge the new duty that had been imposed upon him. So much had been said about Mrs. Gandhi and himself, their so-called devotion, their so-called self-sacrifice and many other things. There was one injunction of his religion, and he thought it was true of all religions, and that was that when one's praises were sung one should fly from those praises, and if one could not do that, one should stop one's ears, and if one could not do either of these things, one should dedicate everything that was said in connection with one to the Almighty, the Divine Essence, which pervaded everyone and everything in the Universe, and he hoped that Mrs. Gandhi and he would have the strength to dedicate all that had been said that evening to that Divine Essence.

Of all the precious gifts that had been given to them those four boys were the most precious, and probably Mr. Chamney could tell them something of the law of adoption in

India and what Mr. and Mrs. Naidoo, both of them old gaol-birds, had done. They had gone through the ceremony of adoption, and they had surrendered their right to their four children and given them (Mr. and Mrs. Gandhi) the charge. He did not know that they were worthy to take charge of those children. He could only assure them that they would try to do their best. The four boys had been his pupils when he had been conducting a school for Passive Resisters at Tolstoy Farm, and later on at Phoenix. Then when Mrs. Naidoo had sought imprisonment, the boys had been taken over to Johannesburg, and he thought that he had lost those four pearls, but the pearls had returned to him. He only hoped that Mrs. Gandhi and he would be able to take charge of the precious gift.

Johannesburg was not a new place to him. He saw many friendly faces there, many who had worked with him in many struggles in Johannesburg. He had gone through much in life. A great deal of depression and sorrow had been his lot, but he had also learnt during all those years to love Johannesburg, even though it was a Mining Camp. It was in Johannesburg that he had found his most precious friends. It was in Johannesburg that the foundation for the great struggle of Passive Resistance was laid in the September of 1906. It was in Johannesburg that he had found a friend, a guide, and a biographer in the late Mr. Doke. It was in Johannesburg that he had found in Mrs. Doke a loving sister, who had nursed him back to life when he had been assaulted by a countryman who had misunderstood his mission and who misunderstood what he had done. It was in Johannesburg that he had found a Kallenbach, a Polak, a Miss Schlesin, and many another who had always helped him, and had always cheered him and his countrymen: Johannesburg, therefore, had the holiest associations of all the holy associations that Mrs. Gandhi and he would carry back to India, and, as he had already said on many another platform, South Africa, next to India, would be the holiest land to him and to Mrs. Gandhi and to his children; for, in spite of all the bitterness, it had given them those life-long companions. It was in Johannesburg again that the European Committee had been formed, when Indians were going through the darkest stage in their history, presided over then, as it still was, by Mr. Hosken. It was last, but not least, Johannesburg that had given Valiamma, that young girl, whose picture rose before him even as he spoke, who had died in the cause of truth. Simple-minded in faith—she had not the knowledge that he had, she did not know what Passive Resistance was, she did not know what it was the community would gain, but she was simply taken up with unbounded enthusiasm for her people, went to gaol, came out of it a wreck, and within a few days died. It was Johannesburg again that produced a Nagappan and Naryanasamy, two lovely youths hardly out of their teens, who also died. But both Mrs. Gandhi and he stood living before them. He and Mrs. Gandhi had worked in the limelight; those others had worked behind the scenes, not knowing where they were going, except this, that what they were doing was right and proper, and if any praise was due anywhere at all, it was due to those three who died. They had had the name of Harbatsingh given to them. He (the speaker) had had the privilege of serving imprisonment with him. Harbatsingh was 75 years old. He was an ex-indentured Indian, and when he (the speaker) asked him why he had come there, that he had gone there to seek his grave, the brave man replied: "What does it matter? I know what you are fighting for. You have not to pay the £3 tax, but my fellow ex-indentured Indians have to pay that tax, and what more glorious death could I meet?" He had met that death in the gaol at Durban. No wonder if Passive Resistance had fired and quickened the conscience of South Africa. And, therefore, whenever he had spoken, he had said that, if the Indian community had gained anything through this settlement it was certainly due to Passive Resistance; but it was certainly not due to Passive Resistance alone.

He thought that the cablegram that had been read that evening showed that they had to thank that noble Viceroy, Lord Hardinge, for his great effort. He thought, too, that they had to thank the Imperial Government, who during the past few years, in season and out of season, had been sending despatches after despatches to General Botha, and asking him to consider their standpoint—the Imperial standpoint. They had to thank also the Union Government for the spirit of justice they had adopted that time. They had, too, to thank the noble members of both Houses of the Legislature who had made those historic speeches and brought about the settlement; and, lastly, they had to thank the Opposition also for their co-operation with the Government in bringing about the passage of the Bill, in spite of the jarring note produced by the Natal members. When one considered all those things, the service that he and Mrs. Gandhi might have rendered could be only very little. They were but two out of many instruments that had gone to make this settlement.

And what was that settlement? In his humble opinion, the value of the settlement, if they were to examine it, would consist not in the intrinsic things they had received, but in the sufferings and the sorrows long drawn out that were necessary in order to achieve those things. If an outsider were to come there and find that there was a banquet given to two humble individuals for the humble part they played in a settlement which freed indentured Indians from a tax which they should never have been called upon to pay, and if he were told also that some redress were given in connection with their marriages, and

that their wives who were lawfully married to them according to their own religions had not hitherto been recognised as their wives, but by this settlement those wives were recognised as valid wives according to the law of South Africa, that outsider would laugh and consider that those Indians, or those Europeans who had joined them in having a banquet, and giving all those praises and so on, must be a parcel of fools. What was there to gloat over in having an intolerable burden removed which might have been removed years ago? What was there in a lawful wife's being recognised in a place like South Africa? But, proceeded Mr. Gandhi, he concurred with Mr. Duncan in an article he wrote some years ago, when he truly analysed the struggle, and said that behind that struggle for concrete rights lay the great spirit which asked for an abstract principle, and the fight which was undertaken in 1906, although it was a fight against a particular law, was a fight undertaken in order to combat the spirit that was seen about to overshadow the whole of South Africa, and to undermine the glorious British Constitution, of which the Chairman had spoken so loftily that evening, and about which he (the speaker) shared his views.

It was his knowledge, right or wrong, of the British Constitution which bound him to the Empire. Tear that Constitution to shreds and his loyalty also would be torn to shreds. Keep that Constitution intact, and they held him bound a slave to that Constitution. He had felt that the choice lay for himself and his fellow-countrymen between two courses, when this spirit was brooding over South Africa, either to sunder themselves from the British Constitution, or to fight in order that the ideals of that Constitution might be preserved—but only the ideals. Lord Amptill had said, in a preface to Mr. Doke's book, that the theory of the British Constitution must be preserved at any cost if the British Empire was to be saved from the mistakes that all the previous Empires had made. Practice might bend to the temporary aberration through which local circumstances might compel them to pass; it might bend before unreasoning or unreasonable prejudice, but theory once recognised could never be departed from, and this principle must be maintained at any cost. And it was that spirit which had been acknowledged now by the Union Government, and acknowledged how nobly and loftily. The words that General Smuts so often emphasised still rang in his ears. He had said: "Gandhi, this time we want no misunderstanding, we want no mental or other reservations, let all the cards be on the table, and I want you to tell me wherever you think that a particular passage or word does not read in accordance with your own reading," and it was so.

That was the spirit in which he approached the negotiations. When he remembered General Smuts of a few years ago, when he told Lord Crewe that South Africa would not depart from its policy of racial distinction, that it was bound to retain that distinction, and that, therefore, the sting that lay in this Immigration Law would not be removed, many a friend, including Lord Amptill, asked whether they could not for the time being suspend that activity. He had said "No." If they did that it would undermine his loyalty, and even though he might be the only person he would still fight on. Lord Amptill had congratulated him, and that great nobleman had never deserted the cause even when it was at its lowest ebb, and they saw the result that day. They had not by any means to congratulate themselves on a victory gained. There was no question of a victory gained, but the question of the establishment of the principle that, so far as the Union of South Africa at least was concerned, its legislation would never contain the racial taint, would never contain the colour disability. The practice would certainly be different. There was the Immigration Law—it recognised no racial distinction, but in practice they had arranged, they had given a promise, that there should be no undue influx from India as to immigration. That was a concession to present prejudice. Whether it was right or wrong was not for him to discuss then. But it was the establishment of that principle which had made the struggle so important to the British Empire, and the establishment of that principle which had made those sufferings perfectly justifiable and perfectly honourable, and he thought that when they considered the struggle from that standpoint, it was a perfectly dignified thing for any gathering to congratulate itself upon such a vindication of the principles of the British Constitution.

One word of caution he wished to utter regarding the settlement. The settlement was honourable to both parties. He did not think there was any room left for misunderstanding, but whilst it was final in the sense that it closed the great struggle, it was not final in the sense that it gave to Indians all that they were entitled to. There was still the Gold Law which had many a sting in it. There was still the Licensing Laws throughout the Union, which also contained many a sting. There was still a matter which the Colonial-born Indians especially could not understand or appreciate, namely, the water-tight compartments in which they had to live; whilst there was absolutely free inter-communication and inter-migration between the Provinces for Europeans, Indians had to be cooped up in their respective Provinces. Then there was undue restraint on their trading activity. There was the prohibition as to holding landed property in the Transvaal, which was degrading, and all these things took Indians into all kinds of undesirable channels. These restrictions would have to be removed. But for that, he thought, sufficient patience would have to be exercised. Time was now at their disposal, and how wonderfully the

tone had been changed. And here he had been told in Cape Town, and he believed it implicitly, the spirit of Mr. Andrews had pervaded all those statesmen and leading men whom he saw. He came and went away after a brief period, but he certainly fired those whom he saw with a sense of their duty to the Empire of which they were members.

But, in any case, to whatever circumstances that healthy tone was due, it had not escaped him. He had seen it amongst European friends whom he met at Cape Town; he had seen it more fully in Durban, and this time it had been his privilege to meet many Europeans who were perfect strangers even on board the train, who had come smilingly forward to congratulate him on what they had called a great victory. Everywhere he had noticed that healthy tone. He asked European friends to continue that activity, either through the European Committee or through other channels, and to give his fellow-countrymen their help and extend that fellow-feeling to them also, so that they might be able to work out their own salvation.

To his countrymen he would say that they should wait and nurse the settlement, which he considered was all that they could possibly and reasonably have expected, and that they would now live to see, with the co-operation of their European friends, that what was promised was fulfilled, that the administration of the existing laws was just, and that vested rights were respected in the administration; that after they had nursed these things, if they cultivated European public opinion, making it possible for the Government of the day to grant a restoration of the other rights of which they had been deprived, he did not think that there need be any fear about the future. He thought that, with mutual co-operation, with mutual goodwill, with due response on the part of either party, the Indian community need never be a source of weakness to that Government or to any Government. On the contrary, he had full faith in his countrymen that, if they were well treated, they would always rise to the occasion and help the Government of the day. If they had insisted on their rights on many an occasion, he hoped that the European friends who were there would remember that they had also discharged the responsibilities which had faced them.

And now it was time for him to close his remarks and say a few words of farewell only. He did not know how he could express those words. The best years of his life had been passed in South Africa. India, as his distinguished countryman, Mr. Gokhale, had reminded him, had become a strange land to him. South Africa he knew, but not India. He did not know what impelled him to go to India, but he did know that the parting from them all, the parting from the European friends who had helped him through thick and thin, was a heavy blow, and one he was least able to bear; yet he knew he had to part from them. He could only say farewell and ask them to give him their blessing, to pray for them that their heads might not be turned by the praise they had received, that they might still know how to do their duty to the best of their ability, that they might still learn that first, second and last should be the approbation of their own conscience, and that then whatever might be due to them would follow in its own time.

#### TAGORE AND GANDHI.

In a letter to Mr. Gandhi, Rabindranath Tagore refers to the struggle in South Africa as the "steep ascent of manhood, not through the bloody path of violence but that of dignified patience and heroic self-renunciation." "The power our fellow-countrymen have shown in standing firm for their cause under severest trials, fighting unarmed against fearful odds, has given us," he says, "a firmer faith in that strength of the living God that can defy sufferings and defeats at the hand of physical supremacy, and make its gains out of its losses."

#### A FAREWELL LETTER.

Just before leaving South Africa, Mr. Gandhi handed to Reuter's Agent at Cape Town the following letter addressed to the Indian and European public of South Africa:—

I would like on the eve of my departure for India to say a few words to my countrymen in South Africa, and also to the European community. The kindness with which both European and Indian friends have overwhelmed me sends me to India a debtor to them. It is a debt I shall endeavour to repay by rendering in India what services I am capable of rendering there; and if in speaking about the South African Indian question I am obliged to refer to the injustices which my countrymen have received and may hereafter receive, I promise that I shall never wilfully exaggerate, and shall state the truth and nothing but the truth.

A word about the settlement, and what it means. In my humble opinion it is the Magna Charta of our liberty in this land. I give it the historic name, not because it gives us rights which we have never enjoyed and which are in themselves new or striking, but because it has come to us after eight years' strenuous suffering, that has involved the loss of material possessions and of precious lives. I call it our Magna Charta because it marks a change in the policy of the Government towards us and establishes our right

not only to be consulted in matters affecting us, but to have our reasonable wishes respected. It moreover confirms the theory of the British Constitution that there should be no legal racial inequality between different subjects of the Crown, no matter how much practice may vary according to local circumstance. Above all the settlement may well be called our Magna Charta, because it has vindicated Passive Resistance as a lawful clean weapon, and has given in Passive Resistance a new strength to the community; and I consider it an infinitely superior force to that of the vote, which history shows has often been turned against the voters themselves.

The settlement finally disposes of all the points that were the subject matter of Passive Resistance, and in doing so it breathes the spirit of justice and fair play. If the same spirit guides the administration of the existing laws my countrymen will have comparative peace, and South Africa will hear little of the Indian problem in an acute form.

Some of my countrymen have protested against it. The number of these protestants is numerically very small, and in influence not of great importance. They do not object to what has been granted, but they object that it is not enough. It is impossible, therefore, to withhold sympathy from them. I have had an opportunity of speaking to them, and I have endeavoured to show to them that if we had asked for anything more it would have been a breach of submission made on behalf of the British Indians in a letter addressed to the Government by Mr. Cachalia during the latter part of last year and we should have laid ourselves open to the charge of making new demands.

But I have also assured them that the present settlement does not preclude them from agitation (as has been made clear in my letter to the Secretary of the Interior of the 16th ultimo) for the removal of other disabilities which the community will still suffer from under the Gold Law, the Townships Act, the Law 3 of 1885 of the Transvaal and the Trade Licences Laws of Natal and the Cape. The promise made by General Smuts to administer the existing law justly and with due regard to vested rights gives the community breathing-time, but these laws are in themselves defective, and can be, as they have been, turned into engines of oppression and instruments by indirect means to drive the resident Indian population from South Africa. The concession to popular prejudice in that we have reconciled ourselves to almost the total prohibition by administrative methods of a fresh influx of Indian immigrants, and to the deprivation of all political power is, in my opinion, the utmost that could be reasonably expected from us. These two things being assured, I venture to submit that we are entitled to full rights of trade, inter-Provincial migration, and ownership of landed property being restored in the not distant future. I leave South Africa in the hope that the healthy tone that pervades the European community in South Africa to-day will continue, and that it will enable Europeans to recognise the inherent justice of our submission. To my countrymen I have at various meetings that I have addressed during the past fortnight, attended in several cases by thousands, said, "Nurse the settlement; see to it that the promises made are being carried out. Attend to development and progress from within. Zealously remove all causes which we may have given for the rise and growth of anti-Indian prejudice or agitation, and patiently cultivate and inform European opinion so as to enable the Government of the day and Legislature to restore to us our rights." It is by mutual co-operation and goodwill that the solution of the balance of the pressing disabilities which were not made points for Passive Resistance may be obtained in the natural course, and without trouble or agitation in an acute form.

The presence of a large indentured and ex-indentured Indian population in Natal is a grave problem. Compulsory repatriation is a physical and political impossibility, voluntary repatriation by way of granting free passages and similar inducements will not—as my experience teaches me—be availed of to any appreciable extent. The only real and effective remedy for this great State to adopt is to face responsibility fairly and squarely, to do away with the remnant of the system of indenture, and to level up this part of the population and make use of it for the general welfare of the Union. Men and women who can effectively strike in large bodies, who can for a common purpose suffer untold hardships, who can, undisciplined though they are, be martyrs for days without police supervision and yet avoid doing any damage to property or person, and who can in times of need serve their King faithfully and capably, as the ambulance corps raised at the time of the late war (having among other classes of Indians nearly 1,500 indentured Indians) bore witness, are surely people who will, if given ordinary opportunities in life, form an honourable part of any nation.

If any class of persons have special claim to be considered, it is these indentured Indians and their children, to whom South Africa has become either a land of adoption or of birth. They did not enter the Union as ordinary free immigrants, but they came upon invitation, and indeed even after much coaxing, by agents of South African employers as is in my power to set forth the Indian situation, and the extraordinary courtesy kindness and sympathy that have been shown to me during the past month by so many European friends. The frankness and generosity with which General Smuts, in inter-

views that he was pleased to grant me, approached the questions at issue, and the importance that so many distinguished members of both Houses of Parliament attached to the Imperial aspect of the problem, give me ample reason for believing that my countrymen who have made South Africa their homes will receive a fairly full measure of justice and will be enabled to remain in the Union with self-respect and dignity.

Finally, in bidding good-bye to South Africa, I would like to apologise to so many friends on whom I have not been able, through extreme pressure of work, to call personally. I once more state that though I have received many a hard knock in my long stay in this country, it has been my good fortune to receive much personal kindness and consideration from hundreds of European friends, well-wishers and sympathisers. I have formed the closest friendships, which will last for ever, for this reason and for many similar reasons, which I would love to reduce to writing but for fear of trespassing unduly upon the courtesy of the press. This sub-continent has become to me a sacred and dear land, next only to my motherland. I leave the shores of South Africa with a heavy heart, and the distance that will now separate me from South Africa will but draw me closer to it, and its welfare will always be a matter of great concern, and the love bestowed upon me by my countrymen and the generous forbearance and kindness extended to me by the Europeans will ever remain a most cherished treasure in my memory.

### III. INDIAN RELIEF BILL DEBATE.

(Reprinted, with kind permission, from the "Cape Times," June 9th, 1914.)

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

#### RIGHT OF ENTRY.

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

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

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

The points dealt with in the Bill included recommendations Nos. 1, 3, 4, 5 and 13 in the report.

#### THE MARRIAGE QUESTION.

The measure before the House dealt with recommendations 1, 3, 4, 5, and 13 of this Commission. The recommendations 3 and 4 dealt with the marriage question pure and simple. Recommendation 3, with which he would first deal, was as follows: There should be legislation on the lines of Act 16 of 1860 of the Cape Colony, making provision for the appointment of marriage officers from amongst Indian priests of different denominations, for the purpose of solemnising marriages in accordance with the rites of the respective religions of the parties. Both in Natal and the Cape, as far back as 1896, a law was passed giving the Government power to appoint priests of Mahommedan belief. Although little advantage had been taken of the Act in the Cape, yet the Indian community claimed they should have the right to be married before their own priests. Section 1 of the Bill carried out this recommendation. The next recommendation also referred to the marriage question, and was as follows: There should be legislation for the validation, by means of registration, of existing *de facto* monogamous marriages, by which are understood marriages of one man with one woman under a system which recognises the right of the husband to marry one or more other wives. Directions as to the mode of registration and of the particulars to be entered in the register might be given by regulations framed under the Statute. This was a more difficult question for the Commission to deal with—the religious unions which were already existing among Indians in this country, but not recognised by South African laws. The Indians contended that an opening should be given for these unions so long as they were monogamous to be turned into legal marriages by a simple system of registration, which had been adopted. These people could go before marriage officers or magistrates, and when they had satisfied these officers that such a marriage did exist they could have it registered. This was to meet cases where a marriage already existed between man and wife. It was pointed out by the Commission that a marriage like that would not debar these people under their religious tenets from taking more wives. But those would not be legal marriages. Short of legalising polygamy, he did not see what else they could do. That was the most important and the most difficult question before the Commission, and in this connection Sir Wm. Robinson rendered great assistance.

#### NOT COMPLETE SATISFACTION.

Since then representations had been made by Mohammedans, who were not quite satisfied and who said that according to their faith it was permitted to them to marry more than one wife, and by now giving an opening for one marriage to become legal it seemed a great hardship, and one which the Indians wished to see removed. He (the Minister) argued the question, and they could not possibly satisfy him of any way of dealing with the claim they advanced. They mentioned the course that had been taken in Mauritius, and he (the Minister) promised to go into the matter, but he had not received any information on that point and so could not make a statement that afternoon. So among the Mohammedans there was not complete satisfaction with the report on this point, but so far as the Commission had been able to meet these people in a legal way the Commission had done so. He would now come to the marriage question as it affected immigration, and the Commission reported

as follows: Section 5 (g) of the Immigrants Regulation Act of 1913 should be amended so as to bring the law into conformity with the practice of the Immigration Department, which is "to admit one wife and the minor children by her of an Indian now entitled to reside in any Province or who may in future be permitted to enter the Union irrespective of the fact that his marriage to such wife may have been solemnised according to tenets that recognise polygamy, or that she is one of several wives married abroad so long as she is his only wife in South Africa." If an Indian was resident in South Africa, and wanted to bring out his wife and minor children, to which he was entitled in law, no inquiry would be made as to whether it was a legal marriage, but the inquiry would be: Were they married in the tenet of some religion? The man could only bring one wife. This would be found in section 3 of the Bill, and thus disposed of the marriage question, which was a most difficult and important question. He would now come to recommendation 13, which dealt with the question of domicile certificates in Natal. Under the old Immigration Law, the Natal practice was to issue domicile certificates, and these certificates when issued were conclusive as to the right of the holder to return to Natal. The system was abolished in the Act of last year, because it was found that in many cases these certificates got into the hands of wrong people. There were thousands of people entitled to these certificates, and the question was how to deal with them in such a way that no hardship would be constituted. The Minister then quoted recommendation 13, as follows: Domicile certificates which have been issued to Indians in Natal by the Immigration Officers of that Province, and which bear the thumb impression of the holder of the permit, should be recognised as conclusive evidence of the right of the holder to enter the Union as soon as his identity has been established. This was being followed.

#### THE £3 TAX.

This left one other point, and that was the abolition of the £3 tax in Natal. He did not intend to cover the whole history of the tax. Hon. members knew that this system of coolie labour was introduced many years ago. As the number of the Indians increased, it became a matter of concern as to what steps should be taken to get some of these people back to India. In 1893 a mission went from Natal to India, and the result was found in the law passed in 1895—the law they were now concerned with. Indentured coolies, after they had finished their term of service and who did not wish to return to India, could stay in Natal on the payment of a £3 licence. From the very start the law did not promise to be a success, and after five years another mission was sent to India to see whether it was not possible that the indentures should expire in India. The mission did not meet with success, and no change was made. The Indians claim that this tax should be abolished, and this was one of the questions the Solomon Commission went into. The Commission came to the conclusion that the claims of the Indians were fair and just and politic, and recommended the repeal of clause 6 of the Act of 1895. This course was adopted in the Bill. The Commission pointed out that the tax was only payable by a small portion of the Indian population. The Commission pointed out that 11,000 males were at present liable to the tax and about 21,000 were still under indenture or had been re-indentured. The Commission also pointed out that the Indian population was much larger, and that the people liable to the tax were the least able to bear the burden. When everybody paid a capitation tax such was easy to collect, but where only a small portion of a population paid it became extremely difficult, because they could only collect through the machinery of the police. When a policeman wanted to make out that a man was liable to the tax he must prove that he came to Natal after 1895, which was most difficult, and also that he did not come there as a free man, which was also very difficult.

#### COMMISSION AND ABOLITION.

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

#### AGAINST THE BILL.

Sir A. WOOLLS-SAMPSON (Braamfontein) said he was very sorry he was not going to support the Government. (Hear, hear.) The Indian community under the advice and guidance of Mr. Gandhi engineered a strike, and to secure the support of the Indian Government and the sympathy of the British public false statements of cruelty, coercion and semi-slavery were cabled to every part of the civilised world. (Hear, hear.) The Government of this country appointed a Commission presided over by one of the judges of the Supreme Court, to inquire into these allegations and to suggest remedial measures. Really it was the first duty of that Commission to nail down the falsehoods that had been circulated abroad in reference to the treatment of Indians by the white inhabitants, by the officials and by the Government of this country. (Hear, hear.) He regretted that in some instances this matter had received the support and countenance of a number of white men on the Rand, to whose everlasting discredit it should be said that whenever any question arose between the coloured and white races in this country they could always on the slightest provocation discover more virtue in a coloured skin than they could in a white one. (Hear, hear.) In the course of their report, the Commission stated: "So far from assisting the Commission by placing before it the case for the Indian community for the redress of their grievances and by collecting evidence in support of the serious allegations of acts of violence committed upon persons sentenced to imprisonment in connection with the strike, the leaders decided on various grounds, which it is unnecessary to mention, entirely to ignore the Commission. The result was that not only was the Indian community not represented by counsel, but that, acting upon the advice given by Mr. Gandhi,

no witnesses appeared to substantiate the charges of violence." Mr. Gandhi and his friends, despite the fact that an important Indian official had been appointed by the Indian Government to watch the interests of the Indian community throughout the sittings of the Commission, prevailed upon all his people not to give evidence, alleging mainly that he objected to the personnel of the Commission. Mr. Gandhi's objection to the personnel of the Commission was a mere subterfuge. (Hear, hear.) He was unable and so were his people to substantiate the charges which had been sent broadcast over the water, and he knew full well that their presence before that Commission would once and for all prove conclusively that they had engineered this strike on false premises entirely. (Hear, hear.) The Commission was very anxious, if possible, to acquire some evidence with regard to these charges, and as a matter of fact an Indian named Sooker did appear before the Commission to tender evidence. The Commission pointed out, however, that the evidence that he gave was hearsay, but he stated that there was in the precincts of the court a man named Balbadhur, who was himself one of the men who had been ill-treated after the strike. This man was brought before the Commission, and his complaint was that, after the strike, and on his return to the mine, he was assaulted by the compound manager. This was investigated and it was found that the three witnesses whom Balbadhur had called before the Magistrate to investigate the charge against the compound manager all denied any knowledge of the alleged assault, and thereupon the charge was withdrawn.

#### UNRELIABLE STATEMENTS.

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

the express understanding already set forth that they were introduced into the Colony. It is equally clear that, whatever may be said about the coolies themselves, the Government of India, which may be regarded as standing in the position of guardians to their ignorant subjects, accepted and acquiesced in the provisions of Act 17 of 1895, which are embodied in the indentures, and that they at any rate were under no misconception as to the conditions under which the coolies were admitted into Natal." At this stage he would like to refer to the disabilities under which we laboured by the presence of an overwhelming coolie population as we had it in Natal. When Europeans went to India, China or Japan they took with them large sums of money, they established factories, industries and works of all descriptions, and found employment for the poorer classes.

#### THE INDIAN COMMISSION

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

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

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

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

#### PRAISE FOR GENERAL SMUTS.

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

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

Mr. CHAPLIN (proceeding) said he hoped he would not come under the ban of the hon. member for Braamfontein if he took up a line different from that taken up by that hon. member. The members who had spoken after the Minister had devoted themselves only to one subject, and that was the remission of the £3 tax. Of course the Bill was not by any manner of means confined to that. He thought the Minister certainly deserved credit for the very thorough manner in which he had followed the recommendations of the Commission in regard to this extremely complicated subject of the marriage question. Last year, when this matter was before the House, the hon. member for Cape Town, Castle (Mr. Alexander), moved an amendment which some of the members on that side of the House at that time hoped would settle the question so far as the marriage point was concerned. They were surprised to find that what they believed to be the ordinary meaning of the words inserted in the Act had been challenged by the Minister's own officials. It seemed to him that that was an entirely unnecessary course. The practice was in accordance with what they desired, and therefore it seemed to him that no good purpose could be served by raising

the question, as it was raised by the immigration officer at Durban. What they had now before them, however, definitely settled that matter. Members distinctly understood that the words inserted last year referred to the *de facto monogamous wife*. If that position had not been remedied, he thought the Government, Parliament and the people of this country would, to some extent, have been open to the charge of having been guilty of a breach of faith. They on the Opposition side of the House understood that this particular difficulty was going to be met, and it would be most unfortunate if a totally different interpretation were placed on it. It seemed to him that the Bill made a very fair attempt at meeting these marriage difficulties. Of course, without recognising polygamy, which they could not do, they could not go any further. He believed that the Indians would see that if this Bill went through, the people of this country were going as far as they possibly could to meet the demands of the former. He now came to the question of the £3 tax, which was going to be the determining factor in the reception the House was going to give to the Bill. Two points had been made. His somewhat violent friend behind him (Sir A. Woolls-Sampson) had made two points. So far as the first point of the hon. member was concerned, it was perfectly true that the Indian community made a very grave mistake in not appearing before the Commission. He thought the Viceroy and the Government of India had quite endorsed that view.

#### MALTREATMENT CHARGES EXAGGERATED.

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

not only among the Indians in this country but the Indians in India.

#### A MATTER OF DUTY.

If they in that House could assist the Imperial Government to keep matters smooth in this respect by removing this cause of discontent, he thought they were only doing their duty in supporting the proposal to remedy it. (Ministerial cheers.) Other strikes had taken place. Some of the things which employers were asked to do after the events in Johannesburg in July last were such as he thought they should not have been asked. But they were done in order to remove misconceptions and grievances. One had to try and get at the root of the trouble, and did not always get at it; sometimes went too far one way or the other. But if they simply took up the attitude that they were the stronger and, therefore, should not be forced to do anything, then he thought they were not doing their duty. (Opposition cheers.) This was a matter which went beyond our Colonial borders. We were part here of the British Empire, and we had to recognise our liabilities as well as we had to recognise the advantages we got. What they were doing now they were doing on the faith of the statements which had been made by the leaders of the Indian community and the Government of India, and by the British Government on their own behalf. Whatever was done now was based on the assumption that the free immigration of these people to this country was to be stopped once and for all. They were all agreed on that, but if they could remedy these grievances, which went further than some of them liked, let them give the matter a fair chance and see if they were not able to remove this ground of trouble, which, if something happened, they would be paying very much more for—not so far as money was concerned—than they were paying if they took the risk of supporting that measure. He hoped the Bill would be carried. (Cheers.)

#### THE THIN END OF THE WEDGE.

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

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

#### MR. MERRIMAN'S VIEWS.

Mr. J. X. MERRIMAN (Victoria West) thought he would be wanting in courage if he did not voice

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

#### THEIR FAIR DUTY.

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

man) thought he would be doing his country a great disservice. Let them treat these Indians with justice, but let them say they would have no more of them.

#### A NATAL VIEW.

Mr. C. HENWOOD (Victoria County) said he regretted that the Government had seen fit to introduce this so-called Indians Relief Bill, for, if passed, it would be highly detrimental to the best interests and welfare of the people of the Union, and especially Natal, and it would give little or no relief and would not be acceptable to the Indians as a settlement of their grievances. It was apparent that they did not intend to stop at anything short of equal rights, and he would give them credit for being bold enough to come out in the open and say so. He was surprised that the Government were so blind that they did not see that this was the thin end of the wedge. The Indians were knocking at the door for point after point until they could get full and equal rights with the civilised people of this country, which meant that they would have a full right to move in any part of the Union, and would also have trading rights. They in Natal had been accused of having imported these Indians into the colony in the earlier days for their own gain, for their own advantage, to build up their industries. So far as he knew, the people of Natal were quite prepared to take the full responsibility of allowing them to remain there under present conditions, provided that the Government also carried out their part of the bargain by imposing the laws and regulations that were instituted by the Natal Government as safeguards against the Indians going too far. This was a burning question, and he was afraid that the present Bill would add more fuel to the flames. Proceeding, the hon. member sketched the history of the legislation passed by the Natal Parliament from time to time in reference to the Indian population. He pointed out how under their low standard of living the Indian traders and artisans were enabled to freeze out European traders and artisans, and how the condition of affairs eventually became so acute that the Colony had to say, "No more of this, we shall have to stop this importation." He quoted from the returns in order to show that, so far as the number of those who returned to India on the expiration of their indentures were concerned, the law in Natal was for some years effective. He admitted that of late years it had not been so effective, but he thought that every hon. member must admit that it was the intention of the Legislature and the people of Natal that these people should either reindenture or return to India, or pay this tax. To repeal the law was not a sign of strength, but of weakness. The right hon. the member for Victoria West had stated that Natal had dragged these people here. He (Mr. Henwood) maintained that the contracts were fair and above board. The right hon. gentleman had made a great point about Imperial spirit, but they found that when the House was asked to give further assistance with regard to the Navy he had not the pluck and the courage to vote, but he walked out of the House. Proceeding, the hon. member urged that it was the duty of the Government to see that the existing law was carried out so far as the Indians of Natal were concerned.

#### THE IMPERIAL ASPECT.

In 1860 there were 58,000 indentured Indians in Mauritius, and there was no law which provided for their return to India. To-day Mauritius was practically an Indian colony. That was a bright outlook for Natal—it was something to think of. They should think seriously of that matter while discussing a Bill of that description. If they took the standpoint of the Imperial Government they would approach the matter from another point of view altogether. They knew that trouble was brewing in India, and they also knew that the Empire must suffer. In considering that question they must realise that they were laying a foundation stone for the prosperity of their children. He did not think that the House would be justified in

dealing with legislation of that description until a referendum had been taken of the voters in Natal. He moved to omit all the words after "that" and to substitute "that this House is not prepared to deal with legislation for the relief of Indians until the subject matter of this Bill has been submitted by referendum to the Parliamentary voters of Natal."

#### A CAMPAIGN OF CALUMNY.

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

#### A UNION MATTER.

Mr. M. ALEXANDER (Cape Town, Castle) said he would not have a great deal to say on the matter, because he realised that the less one said who was a friend to the Bill the better. (Hear, hear.) This matter had been referred to as a Natal matter. That was not fair. One might have expected a little word of gratitude from the Natal members regarding the development of the Natal industries which had taken place owing to the labour of the Indians in that Province. Where would the Natal industries be if it were not for those Indians? It was absurd to call that a Natal matter; it was a Union matter, and if an injustice was done, all the Union would have to suffer and not merely one part. Proceeding, Mr. Alexander said that no

good purpose would be served by going into the Indian strike. When that strike took place in January everyone would admit that the leaders of the Indian movement stayed their hand, and did not embarrass the Government at a time of great trouble in the country. It was no use the hon. member for Victoria County urging truth and justice unless it were to apply equally to members of the coloured community as well as to whites. Truth and justice were not colour blind. He (the speaker) did not look upon these people as aliens. They were British subjects. They were introduced into Natal, and Natal had had full benefit of their work. A large number of Indians had been born in Natal, consequent upon legal marriages in the country, and if a mistake had been made it could not be rectified if that meant doing a gross injustice to the people. The Bill before the House did not by any means meet the wants of the Indian community, but it was an attempt by the Government to give justice as far as they thought possible to the Indian community without detriment to South Africa. Hon. members who had spoken against the Bill did not seem to realise that it did not go one single step further than the Bill of last session intended to go. It was only at the expressed wish of the late Minister of the Interior, who was in charge of that Bill, that the word "monogamous" was put in lest the law should be understood to recognise polygamy.

#### NOT A NEW PRINCIPLE.

With regard to the £3 tax, that principle had already practically been decided in the case of women. It was not a new principle. They could not induce men to re-indenture or go back to India now that they could get higher wages. That tax did not assist in any way to influence their return to India. Was it not a better way to provide them with a free passage? With reference to the point made by the hon. member for Umlazi (Mr. Fawcus) regarding children under 16 years of age, that clause had been passed under the Act of 1913, and it was in the Immigration Laws of the Union when the Provinces were separate. The only relief the Government granted under that Bill was that the Indian child could not be penalised as against any other child. Monogamous marriages were to be allowed, and the children of such marriages were to be recognised also. That was simply carrying out the intentions of Parliament last year, though that was not expressed in the Courts of Natal as it should have been expressed. That was an Imperial question, urged Mr. Alexander. ("No, no.") He was stating a fact; in other words the relations between that community and the Union of South Africa may or may not have serious consequences in regard to other parts of the Empire. He did not say that South Africa ought to be asked to give up any of their rights or act unfairly as against their own brethren, because that was an Imperial question. But the Government was not asking anybody to do that. Under that measure no injustice was done of any kind to any part of the people of South Africa. If they could remove that difficulty and friction from South Africa it would do a great deal of good. Did not hon. members realise what a great cost that difficulty had been to the people of South Africa? By passing the Bill the Imperial Government would not only be relieved of a serious embarrassment, but South Africa would be released from serious difficulties. Other demands might arise in the future, but so far as the difficulties concerning us at the present moment and for a long time to come, the Bill would remove a considerable number of difficulties which were a hindrance to the progress of the Union. In solving the Indian difficulty South Africa would be benefited by a very statesmanlike solution of a pressing problem. Let hon. members rise superior to their prejudices and do justice to every section of the community and assist the Imperial Government in a very difficult question, and by so doing hon. members would be doing something they would be thankful for. (Cheers.)

## TREATING INDIANS LIKE HUMAN BEINGS.

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

should be taken in Natal. He (Mr. Meyler) was not the least bit afraid of a referendum, because he knew the good sense of the Natal people would carry the Indian question to victory. The hon. member for Victoria County and his friends were those who were opposed to a referendum when it was suggested in Natal prior to Union. He (Mr. Meyler) thought it was an anomaly to suggest that they should have another referendum to deal with this one special point. He felt he could not support the amendment. In conclusion, he said they should forget the darkness of last November, and the terrible position in which they and the Empire found themselves. He thought the settlement should be made, and he considered they need have no fear that the Indians would not carry out the honourable understanding.

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

## SPEECH BY THE PRIME MINISTER.

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

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

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

when he said that he had always done his utmost to keep these Indians out of the country. (Hear, hear.) Nor did he rise in the House to embrace these people.

#### BY WHOM CREATED?

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

#### DRAGGING IN THE NATIVE QUESTION

He regretted the attitude taken up by some hon. members, who had coupled the native question with this Indian problem. They had no right to do so. (Hear, hear.) When they dealt with native questions, they dealt with native questions pure and simple, and they had to deal with the Indian problem in the same spirit and on its own merits. (Cheers.) It was useless dragging in this native argument, because he wished to say emphatically that if there were one subject of which they had every right to be proud it was this, that they, as a small minority, had always easily governed the large native majority in South Africa. (Loud cheers.) He would like to ask hon. members whether they hardly ever heard of a native refusing

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

#### MUST STAND BY THE BILL.

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

long enough to enable them to start in some other business. They were not fond of the work for which the Indians were originally introduced. The sons of the indentured Indians were looking for something on a higher plane. How were they going to get their desire? The only way he could see was for the white people to make room for them by going out.

#### ONLY PART OF THE DEMANDS.

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

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

Business was suspended at 6 p.m.

#### EVENING SITTING.

Business was resumed at 8 p.m.

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

#### NO BREACH OF FAITH.

He held there was no question of any breach of faith. The Indians had been brought here

understanding that they would have to pay this £3 tax. Well, let them pay it now. The great danger was that the Indian women were to be admitted. Eventually this country would suffer from an over-population of coolies. He knew the Government had to cope with great difficulties, especially when such agitators as Mr. Gandhi, Mr. Polak and Mr. Kallenbach were about. These people should have been deported, he held. In conclusion, Mr. Van Niekerk moved as an amendment that the Bill be read that day six months.

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

Mr. T. L. SCHREINER (Tembuland) said he spoke as one who would rather that there had never been a single Indian come to this country to complicate the already difficult position in regard to the different races here. He always held, however, that we were bound to treat the Indians who were here, especially as they were British subjects, with fairness and with justice, and he was still of that opinion. He would have imagined that any thoughtful person who had any knowledge of the contests that had been carried on in this country, both before and after Union, anybody who had anything like a statesmanlike mind, would have rejoiced that at last there was to be an end to these troubles, as a matter of compromise. In the Bill before the House he thought there was evidence of a compromise. Certain claims made by the Indians and those who supported them had not been satisfied in the Bill, but he was not going to speak about those, because he was agreeable to take the finding of the Commission. In regard to two or three points on which the Indians made certain claims, the Commission had made no recommendations. It had been said this afternoon that Indians were not at all satisfied with this, and they only meant to make it a starting point for further demands. They had had a statement read out from the paper "Indian Opinion" a short time ago, not he believed coming from any Indian in this country, but what some Indians in India had been saying about "equality" and that kind of thing. But surely members of this House ought not to be misled by that, when the people chiefly concerned, as far as he understood, Mr. Gandhi and Mr. Polak, expressed themselves as satisfied with this Bill. He took it that the Indians were satisfied with the Bill as it stood, and so was he also satisfied on their behalf. He had more than once brought up this matter of the £3 tax since Union was consummated. With regard to the Union tax—because, after all, that was the crux of the opposition made this afternoon to the Bill—he could have understood the argument raised if that tax had been very much higher than it was, and if it had been an absolutely prohibitive tax, because then the Indian rather than pay would, he supposed, have gone. It was made £3 and as a result it had not succeeded in bringing about the results which they hoped for. Yet this was the illogical position of the hon. gentlemen who had been declaiming against this Bill and the repeal of the tax. They had put it this afternoon as if, should the tax be removed, this country would be flooded with Indians, no more of them would go back at all, and the white man would be ousted in Natal, and the Indian would take his place. That seemed to him a ridiculous position to take up. This might be the position if that tax had been absolutely successful, but it had been an inoperative tax. Then there was another point. Did the Natal people want all the Indians to go back? Was it not the object of that tax rather to say "we will force the Indians to be re-indentured"? If they had put on a tax of £20 the Indians would have gone back. Only a few years ago they heard a big outcry in Natal because the indenture system was to be stopped. Apart altogether from what

had been proceeding between the Indian Government and the Imperial Government, he thought it would be a good thing to repeal this tax at the present time.

#### A RED HERRING.

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

#### A WRONG PRINCIPLE.

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

#### IN A DILEMMA.

Mr. W. F. CLAYTON (Zululand) said he was on the horns of a dilemma. If the Minister had divided the Bill into two parts he could have satisfied his conscience. He was quite willing to agree to the first part of the Bill which endeavoured to remove

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

#### NOT AN UNJUST TAX.

He hoped hon. members would not confuse these classes when dealing with the question. He maintained that on the main body of Indians in Natal this £3 tax which it was now proposed should be removed constituted no burden, but on that portion only which had come out knowing full well that unless they reindentured themselves or returned to India they would have to pay that tax. He would like the House to consider the grounds upon which the Commission based their reasons for removing the tax. They recommended it for two reasons: the first was that the Act was inoperative; another was that the tax was imposed upon a minority which would be placed in a worse position than those who had come into Natal within recent times. With regard to the first objection, he had figures to show that the tax accomplished what it was intended to do. The Act was passed in 1895 owing to the fact that certain Indians were then not indentured, and as the tax was not made retrospective it became operative in 1901. It would then be seen that the Act, as soon as it came into force, had an immediate effect. The figures of those returning to India in 1895 were 415; in 1896, 296; in 1897, 418; in 1898, 188; in 1899, 503; in 1900, 448; in 1901, 639. Then the Act came into force in 1902, when 1,482 returned to India, thus showing the effect which that tax had upon the Indians who had served their term of indenture. In 1903 the number was 2,029; in 1904, 1,672; in 1905, 2,078; in 1906, 3,939; in 1907, 3,484; and in the following year, according to the evidence before the Commission, out of 7,735 who had completed their indentures, 3,989 returned to India, those who were left, of course, taking up their licences. In 1909 the number rose to 4,895. Who, he asked, would say that the tax was inoperative? Rather, had it not served the purpose for which it was imposed? The true reason was that the tax had not been collected of late. If that had been properly done there was no doubt but what the same proportion of Indians would have left Natal as in the previous years. He thought that disposed of the first reason given by the Commission for the abolition of the tax. In regard to the other point, that the tax was placed upon a small portion of the Indian population, the question might be asked; Why was it placed upon that small proportion and was it not an injustice done to that minority? They found that these Indians had been taking up occupations in the country instead of returning to India.

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

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

#### FOLLOWING THE INDIANS' EXAMPLE.

During the existence of the Indian strike he (Mr. Clayton) had heard natives working in his own fields saying that if they could not get what they wanted they would have to strike as the Indians had done. The lesson of the Rand strike, followed by the Indian strike, would make it strange if on some other questions there might not be passive resistance on the part of the native population. That was a fear which had been expressed and made by public men in Natal, and that was what had passed in his own mind when he thought of their passing such a Bill as that. The Bill was not going to be final, and would be a sort of stepping stone to civil equality and the franchise. It might be contended that Natal was to blame for having brought these Indians to South Africa. In 1874, when the second importations had been instituted, it was on account of the drifting away of their native labour to the diamond fields of the Cape. Since then they had had that drifting of their native population to the goldfields of the Union. If they (the Natal people) had been selfish, it had been for their own preservation and to do something for their living and for their work. The question had been raised about these Indians being British subjects. How would that view be dealt with, he asked, if they were to send 100,000 of their native subjects to live in India free to do what and to go where they pleased? The desire not to embarrass the British Government at the present time was a point which appealed to him, but in reply to the right hon. member for Victoria West (Mr. Merriman) he would say, suppose that a thousand Indians were shipped and arrived at the Cape. Would the hon. member say that they would receive them with open arms and make them their fellow subjects? In Natal they had gone into the mire and they did not want to go deeper into it. They did not want a proposition which would make them sink deeper into the mire. Referring to what the Minister had said, the hon. member said that, as an employer of Indians and as one who came into contact with very many employers of Indians, effect had been given to the law and the Protector of Indians had insisted over and over again that they should provide for the payment of arrears of the £3 licence by instalments. Every endeavour had been made to see that the law was brought into operation. No man was going to run his head into a noose for the sake of a few men

who had not paid the licence. The case had been prejudiced, as he had said, by the non-collection of the licences in the past, in the days since Union. As to what the hon. member for Weenen (Mr. Meyler) had said about waxing fat on Indian labour the hon. member for Victoria County (Mr. Henwood) had never, so far as he knew, had an Indian in his employ, so that it could not be said that the hon. member waxed fat on Indian labour, nor could it be said of the other hon. members to whom he (Mr. Meyler) had alluded. Continuing, Mr. Clayton said that they believed that they represented public opinion in Natal on that matter, and that the colonists of Natal were opposed to the continuance of the Indians within the borders of Natal as colonists. The hon. member for Germiston (Mr. Chaplin) had inquired what was the use of keeping that on. It was costing the employers of Natal just as much having that indentured labour as if these men were free men, but the difference was that if they became free men they might not return, but settle on the land. That was the purpose of the tax, and a man must return after he had served his period. He knew that the Immigration Board had sent a telegram that they agreed to the abolition of the £3 licence for the purpose of not embarrassing the British Government. Their first duty in South Africa, said the hon. member, was to themselves—(Ministerial cheers)—and they had a right to protect themselves, so that those who came into the country knowing that they would have to pay, and were now serving out their periods of indenture, might finish their time and might be compelled to carry out the terms of their contract under which they had come to South Africa. Knowing how the unenlightened native and Indian would regard that measure as yielding to force, he must oppose its second reading.

#### A BLESSING OF UNION.

Mr. T. BOYDELL (Durban, Greyville) said that he took exception to the remark of the hon. member for Zululand, that he was speaking for the people of Natal. That was not so, because he was only speaking for the people who had brought the Indians into the country, and who were exploiting them for their own ends. It was interesting to listen to the various Natal members who opposed the measure on the ground that the abolition of the £3 tax was going to flood the Province with free labourers, and that that would be bad for the white community. From what they had said one would have thought that they had stood up on platforms and advocated that these men should not be allowed to land. He (Mr. Boydell) had been connected for some years with an agitation which had for its object the prevention of these Indians being allowed to land in the country, and being exploited for industries which Natal could very well have done without. These were the men who had spoken in that House whom he (Mr. Boydell) and his friends had had to fight. One of the blessings in Union so far as Natal was concerned was the fact that the Union Government put a stop to the further importation of indentured Indian labour, and those men who had spoken in the House had waxed rich on the labour of these Indians. What had Natal got after all? They had got 135,000 Indians against 99,000 Europeans. They had a sugar industry which had they never seen it they would have been better off to the tune of half a million a year. He admitted that this was a problem that bristled with difficulties, but let not the Minister imagine that this was a final settlement. They were only starting with it. If they had to deal with it properly they would have to deal with it on more radical lines. But happenings during the last twelve months, the sacrifices by the Indian community, and bloodshed had forced the Minister to come to grips with the Indian problem. Incidentally he pointed out that the trouble in Natal in the past had been that the balance of political power had been held by the country party. He pointed out that all the members of the last Government in Natal were elected by 2,000 votes altogether, whereas the hon. member

for Roopepoort, who was then the junior member for Durban, got 2,000 votes himself. Most of the clauses of the Bill they could not disagree with on principle. They had got the question of the £3 tax, and they had also got the very important clause which had not been sufficiently touched upon except by the hon. member for Tembuland, viz., clause 6, which provided for free passages not only to indentured Indians, but, he took it, to all Indians in Natal. That was a big step in the right direction, but it was not by a long way a big enough step. The indentured Indians in Natal had had their passes on the determination of their indentures, or, if they liked to reindenture, any Indian, no matter how long he might have been in the country, could have a free pass. With that part of the clause they were in agreement, but he hoped to move an amendment so as to extend the provisions of this clause in order that the Government might deal with this problem in the way in which it should be dealt with. That was why he would not be altogether against a referendum of the people in Natal if it were put on a wide basis so as to enable them to deal with the problem as a whole. They must remember that in removing the disabilities of one section of the community they should not create additional disabilities upon another section. They had got to take care that in doing justice to one section they did not inflict an injustice on another section.

#### AN] INEFFECTIVE] TAX.

With regard to the £3 tax, he was not one of those who in the past had attached very great importance to this tax, whether it was on or off. As had been shown in this House, it had been largely ineffective. The authorities had not been able to collect it in the past, and he did not suppose that, if it were retained, they would be able to collect it in the future. The hon. member for Zululand had quoted some figures showing the effect which this tax had had in making Indians return to India. As far as they went, those figures were quite correct, but they did not go far enough. It would be found that the number of Indians who returned to India or went back into indenture very largely depended upon the degree of prosperity or depression in the country. (Hear, hear.) They would find that when Natal was going through a period of depression the number of Indians who returned to India went up considerably. If the hon. member for Zululand had not stopped at the year 1908, he would have seen how, when there was a revival of trade, the number of Indians who returned to India fell in a very marked fashion. In 1908 the number who returned was 4,685, but in 1909, when things started to get a little bit better, the number who returned fell to 3,614, and the figures for the next few years were as follows: 1910, 3,199; 1911, 2,630; 1912, 1,409; 1913, 1,700. He would like to give the House the number of Indians who were liable to this tax in 1912, the number who paid the tax, and the number of prosecutions under the tax. This tax, to his mind, was nothing more or less than a blind, throwing dust into the eyes of the population of Natal, who were agitating for the stoppage of further importation into Natal. This was a case of the chickens coming home to roost. In 1912, out of a total number of free Indians of 46,000, the number liable to this tax was 10,206, and the number who paid the tax was 1,594. The Government collected £4,782 from the men, whereas they should have collected £30,600 if they had all paid the tax. The number of women liable was 5,089, and the number who actually paid the tax was 41.

#### THE GREAT WEAKNESS.

The Government collected about £123 out of £15,267. An hon. member asked why didn't the Government collect this tax. He (Mr. Boydell) would like to refer him to the speech of Mr. Harry Escombe in moving the second reading of the Act of 1895. They could take civil proceedings for non-payment of the tax, but they could not put the Indian into gaol for non-payment. In 1912 341

Indians were prosecuted for non-payment of the tax, but they did not pay after all, and 90 of them were prosecuted to show cause why they did not pay. Seven of that number were put in prison, not for non-payment of the tax in the first place, but for refusing to comply with the order of the Court to pay so much a month. There was the weakness of the whole thing, and the people of Natal accepted that as a solution when it was only dust thrown into their eyes, and the sooner the people realised that whether the tax was on or off it made no difference in the general movements of the Indian population, the sooner would they find the solution of the problem. With regard to repatriation, said Mr. Boydell, when the hon. members for Victoria County, for Berea, and for Zululand all professed a great interest with the white community of Natal, and he thought they should support an amendment to ask the Government to inaugurate a scheme which would include the assistance of all parties concerned, the Indian Government, the Indian community of Natal, the Home Government and the South African Government, to see if they could not put their heads together to enable them to repatriate large numbers of the Indians and give them sufficient inducement to go back to India. They would be quite willing to take advantage of it.

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

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

#### POLITICAL AND CIVIL RIGHTS.

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

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

#### A NARROW ESCAPE.

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

Mr. BOYDELL again read it.

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

Mr. BOYDELL: It is only asking the Government—

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

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

Mr. SPEAKER: Let me look at the amendment.

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

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

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

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

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

Mr. C. H. HAGGAR (Roodepoort) said that the hon. member for Durban, Greyville (Mr. Boyde), had suggested two alternatives, but he thought that both could be carried out. The leaders of the sugar industry of Natal had told the Commission in 1908 that they could grow sugar in Natal at a profit by using white labour, if they could only secure conditions similar to those in Australia. The sooner the Government looked in that direction the better it would be for all. He thought that the hon. member for Zululand (Mr. Clayton) would agree that Natal had always been more than just to the planters, and now under Union the Natal

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

#### REAL BLACK PERIL OF SOUTH AFRICA.

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

At this point

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

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

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

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

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

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

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

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

Mr. SPEAKER: The hon. member can proceed.

Mr. HAGGAR (continuing) said he believed that in two years all existing indentures in Natal would cease, and there would be a good chance for the Minister to take a bigger step if he desired to do so. He referred to the prohibition of Kanaka labour in Australia, and said that, of course, at first there was a howl, but since then the industries of the country had been doing very well. In two years in

Natal the Government could see that better labour was employed, or it could take over the sugar estates at a valuation and work them themselves. Dealing with the tax, he said that whether it was continued or taken off he did not think it would make a great deal of difference. The fact of the matter was that the principle was bad, and the speaker went on to deal with the tax in relation to Indian women. The hon. member went on to say that, if it were intended that the tax should not be paid by women, that injustice ought to be removed. He knew hundreds of instances where the men had been absolutely unable to pay the tax. It had been a very cruel imposition, apart from the amount and from any principle involved in it.

#### OBJECT OF THE TAX.

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

Mr. T. ORR (Pietermaritzburg, North) said that on this Bill he took a view which was opposite to that of many of his colleagues from Natal. It seemed to him that the hon. member who had moved this amendment did not desire to see a settlement of this question, because his amendment would have the effect of indefinitely postponing legislation on the subject. That was part and parcel of the methods of the members on the cross-benches session after session. They wanted to create difficulties. The other amendment, that the second reading should be taken that day six months, meant postponing it for ever. He could not agree with that, and with regard to the referendum amendment, that was equally impossible now that Natal had entered the Union. There appeared to have been an air of unreality about the discussion since two o'clock. The hon. member referred to the evidence of one of the witnesses before the Commission, who expressed the opinion that the tax was not an inducement to cause indentured Indians to return to their country. That was an opinion which the Commission itself also agreed with. That talk about goading the Indians into rebellion gave one to think that a tremendous number would be affected. But the tax had almost fallen into disuse, and of the 10,000 who were liable to be called upon to pay the tax it was only collected from some 3,600—those who were in constant employment and easily got at. The tax was not worth while collecting from a revenue point of view, and matters had now gone so far that it would not be possible to properly collect the tax. If it would

put them in a position to remove embarrassment from the British Government it was not worth while to enforce the tax. But it was not the desire on the part of some of the Natal members who had spoken so much to force the Indians to go back, but to cause them to re-indenture. Why should they not be honest and say so? Even on that ground, however, it would not last very long, because further indentured labour had been stopped from coming into the country, and soon they would be all free labourers. They would not go back because there was more inducement at the present time for those men to remain in this country than previously. He wished to support the second reading of the Bill, believing it to be an honest attempt to settle the difficulty of the £3 licence, a matter of which far too much had been made.

#### A FREE STATE OPINION.

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

#### WHAT ARE THE REASONS?

Mr. C. G. FICHARDT (Ladybrand) said that he could not understand why that coolie tax had not been collected, and if there was a law which required that the tax should be paid it seemed that there was something wrong because the tax had not been collected, and the Minister of Finance in his speech had not made it clear why that tax had not been collected. If the law was not to be carried out in regard to the Asiatics in Natal, it was no use passing another law if it would simply lead to another evasion. He asked if the Minister of Finance would allow them to escape the income tax if they wandered about the country—because the Asiatics did not pay their tax because it was said that they wandered about. The native poll tax, the hon. member went on to say, was collected through the country, and

it seemed to him that there were other reasons for the non-collection of that tax on coolies than the reason that it was difficult to collect. Instead of imposing further disabilities on the Asiatics, they were now removing disabilities and making it easier for Indians in that country. The hon. member proceeded to quote from the evidence given by Mr. Dick before the Indian Commission as to how Indians evaded and circumvented the immigration regulations. It did seem to him, said the hon. member, that instead of relaxing the laws they should be strengthened. The Asiatic question was such a serious one in South Africa that they could not and dare not trifle with it. The other dominions had taken steps to keep Asiatics out of their countries, and those dominions had nothing like the difficult problem which they had in South Africa in connection with the coloured question. It had been shown over and over again how when Europeans and Asiatics came together the Europeans went invariably to the wall. As to what the hon. member for Durban, Berea (Mr. Henderson), had said about the Orange Free State sitting still, he would find the Orange Free State with him to a man in preventing the entry of any more Indians to South Africa. The Orange Free State at present was being invaded by Asiatics from Natal, as the hon. member for Ficksburg (Mr. Keyter) could bear out. The hon. member (Mr. Henderson) might rely upon the support of the people of the Orange Free State in regard to restrictions against Asiatics entering that country. Dealing with the position of Natal, the hon. member said that if Natal had made a mistake in the past and Natal had seen that it was a mistake, South Africa should see what could be done to deal with that very great evil which existed in Natal. Continuing, he said that the removal of the disabilities would be an encouragement to Indians of all classes to stay in South Africa, and he thought that they should not complicate their problems by the importation of more colour into South Africa. A gentleman, whose opinion was valuable, told him that in time the Free State would be overrun by coolies, and he asked his friends not only to fight for the purpose of keeping the coolies out of the Free State but to fight so that more might not enter South Africa. Messrs. Gandhi and Company had told them that this £3 tax business was merely the beginning, and that what they were aiming at was equality with the white man and for the franchise. He read an interview which had taken place with Mr. Polak, who said that they wanted the assurance of the Minister that the Immigration Act would be sympathetically administered. He also said that the acceptance of the Bill did not mean the abrogation of the claim to civil equality in South Africa. He thought that members from the Free State were opposed to any lightening of the burdens on Asiatics.

#### LOOSENING THE BONDS.

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

Mr. F. H. P. CRESWELL (Jeppe) said that the hon. member for Pietermaritzburg, North, knew as well as he (Mr. Creswell) did that this was the only stage at which it was competent for them to move an amendment indicating their objection to the Government measure, on the ground that there was no provision for expenditure in a certain direction which they believed absolutely necessary to make the policy of this Bill efficient. It was perfectly open to the Minister in Committee to propose an amendment to strengthen clause 6 by offering distinct monetary inducement to any Indians who were prepared to emigrate back to their own country. With regard to the second point, about which Mr. Speaker had some doubt, the

question of the importation of further indentured labour, they anticipated, approving as they did in the main of this Bill, that the main effect of the abolition of the £3 tax was going to be a distinct blow at the indentured Indian labour system. The effect would be that the planters, if they wished to retain their Indians, would probably have to pay them higher wages. They knew that influences would be brought to bear on the Government, to which the Government would always find itself amenable, to depart from their present stated policy of refusing to allow any further indentured supply to supplement the supply of labour, which would be found to be running short. In two years' time they might have pressure brought to bear on the Government to cause some other experiment to be tried. They on the cross-benches did not want one form of indentured labour to be superseded by another; what they did want was that the Government should recognise that the difficulty was of our own causing, and that we must spend money to induce as many Indians as possible to return. Then, no longer under the fear of a continually advancing tide of Indian population, but with the stream flowing the other way, we should be able to deal with the whole matter in a calmer and wiser spirit.

†Mr. J. G. KEYTER (Ficksburg) said to him it appeared there was no hardship in the contracts signed by the Indians. But now it seemed that the Indians wished this House to alter the contracts which they themselves had entered into. After having concluded the indentures they had to submit to a certain pass, for which they had to pay £3. There were no real grievances. What were called grievances were what the Indians were told by agitators like Gandhi and Co. If the collection of the tax was difficult where the Magistrate had to hand out the pass to the Indians, for which he was paid £3, then he wondered how other taxes were to be collected. Surely the Magistrate had a list of those people, and if they did not pay there were the police. If the tax was not collected, why then was it not? How could, in these circumstances, the Government complain of lack of revenue? How did Gandhi, Polak and Co. know of this Bill, he asked, before even this House knew anything about it? He disagreed with the statement of the hon. member for Ladybrand that Indians still entered the Free State. Since the passage of last year's Act, he wished to say, to the credit of the Minister of Finance, that no Indians had entered the Free State. (Hear, hear.) He quoted the case of an Indian who had been sent back from Ficksburg to Cradock. It was simply a matter of administration, and he wished to tell Mr. Gandhi that if he, with his followers, entered the Free State he would quickly be thrown over the borders. In conclusion, Mr. Keyter said that he could not vote for this Bill, and that he did not see any necessity to impose fresh taxation, seeing that such a large source of revenue was neglected and ignored.

#### GENERAL SMUTS' REPLY.

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

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

#### THE LABOUR AMENDMENT.

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

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

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

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

Ayes	..	..	..	60
Noes	..	..	..	24
				—
Majority for the motion	..			36

It was therefore decided that the words should stand.

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

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

The House adjourned at 11.35 p.m.

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# DOCUMENTS

RELATING TO

## THE NEW ASIATIC BILL AND THE ALLEGED BREACH OF FAITH.

Collected by C. F. ANDREWS.

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To be obtained from all Booksellers.  
Price One Shilling.

PRINTED BY CAPE TIMES LIMITED, CAPE TOWN.

[NOTE.—The following papers have been collected with a view to present in a handy form the chief documents bearing on the Asiatic Bill and the alleged Breach of Faith, about which much has been written in the public press.]

## UNION OF SOUTH AFRICA.

### Areas Reservation and Immigration and Registration (Further Provision) Bill.

## BILL

To make provision for the reservation of residential and trading areas in urban areas for certain persons having racial characteristics in common; to amend the Immigrants Regulation Act, 1913 (No. 22 of 1913), the Indians Relief Act, 1914 (No. 22 of 1914), and the Asiatic Registration Amendment Act 1908 (Transvaal) (No. 36 of 1908); and to repeal the Chinese Exclusion Act 1904 (Cape) (No. 37 of 1904) and Act No. 28 of 1897 (Natal).

*(Introduced by the Minister of the Interior.)*

**B**E IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

### CHAPTER I.

#### RESERVATION OF AREAS.

1. (1) Whenever an urban local authority intimates to the Minister—
- (a) that any area within its jurisdiction is wholly or for the greater part occupied for residential or trading purposes or both such purposes by a particular class of persons; and
  - (b) that it is desirable that the provisions of this Chapter should be applied in respect of such area,

Request by urban local authority for application of Chapter I.

the Minister may appoint a commission consisting of not more than three persons (hereinafter called the commission) to investigate and report upon the desirability of applying to such area and to the jurisdiction of the urban local authority within which it is situated the provisions of this Chapter.

(2) One of the members of the commission shall be designated by the Minister as the chairman thereof, and the Minister may make rules for the conduct of the business of the commission and governing the tenure of office of the members. In the event of the commission consisting of three members, two members shall form a quorum.

2. (1) It shall be the duty of the commission to enquire into and report to the Minister upon the following matters:—

Duty and powers of commission.

- (a) The extent and nature of the area which was the subject of intimation under section *one*;
- (b) the number, dimensions, situation and nature of sites occupied in such area for residential or trading purposes or both such purposes, as the case may be;
- (c) whether such area affords proper and adequate facilities for residences or trading sites or both, as the case may be, for the particular class of persons concerned;
- (d) whether due and proper provision exists or is assured for water, lighting, sanitary and other necessary services within such area;
- (e) whether it is desirable that the provisions of this Chapter should be applied in respect of such area;

- (f) whether there is, within the jurisdiction of the urban local authority concerned, any other area which is wholly or for the greater part occupied for residential or trading purposes or both such purposes by the particular class of persons concerned, and if there is such other area, the extent and nature thereof, and the number, dimensions, situation and nature of sites occupied in such other area for residential or trading purposes or for both such purposes as the case may be;
- (g) whether any other area within the jurisdiction of the urban local authority concerned is available for the exclusive occupation for residential or trading purposes or both such purposes by the particular class of persons concerned; and
- (h) any other matter which the Minister or the commission may deem necessary or desirable.

(2) The commission shall have all such powers, jurisdiction and privileges as were conferred upon the commission referred to in Ordinance No. 30 of 1902 of the Transvaal, and all and several the provisions of that Ordinance shall *mutatis mutandis* apply in respect of the commission and its proceedings.

Proclamation of class areas.

3. (1) At any time within six months after the receipt of the report of the commission, the Governor-General may by proclamation in the *Gazette* declare that, on and after a date to be mentioned in the proclamation, the area defined in the proclamation shall be a class residential area, or a class trading area or a class residential and trading area within the jurisdiction of the urban local authority concerned.

(2) More than one area within such jurisdiction may, by any such proclamation, be defined as class residential areas, or as class trading areas, or as class residential and trading areas, as the case may be.

(3) Notwithstanding anything contained in the Precious and Base Minerals Act of the Transvaal (Act No. 35 of 1908), or any amendment thereof, or in any other law, a class trading area or a class residential and trading area may be established under this Chapter on land within the jurisdiction of an urban local authority which, in terms of the said Act No. 35 of 1908 or any amendment thereof, is proclaimed land or land held under mining title.

Acquisition of immovable property in class areas.

4. (1) Save as is provided in sections *eleven* and *twelve*, whenever a proclamation establishing a class residential area within the jurisdiction of an urban local authority has been issued under this Chapter no person shall, after the date of such establishment, for residential purposes acquire or hire, or take over, or as lessee renew the lease of, any immovable property situate—

- (a) within such area unless such person belongs to the class of persons in respect of which such area was established, or
- (b) elsewhere within such jurisdiction than within such area if such person belongs to such class.

(2) Save as is provided in sections *eleven* and *twelve*, whenever a proclamation establishing a class trading area within the jurisdiction of an urban local authority has been issued under this Chapter, no person shall, after the date of such establishment, for trading purposes acquire or hire, or take over, or as lessee renew the lease of, any immovable property situate—

- (a) within such area unless such person belongs to the class of persons in respect of which such area was established; or
- (b) elsewhere within such jurisdiction than within such area if such person belongs to such class.

(3) Save as is provided in sections *eleven* and *twelve*, whenever a proclamation establishing a class residential and trading area within the jurisdiction of an urban local authority has been issued under this Chapter, no person shall, after the date of such establishment, for any purpose acquire or hire, or take over, or as lessee renew the lease of, any immovable property situate—

- (a) within such area unless such person belongs to the class of persons in respect of which such area was established; or
- (b) elsewhere within such jurisdiction than within such area if such person belongs to such class.

(4) Nothing in this section contained shall apply to the renewal of a lease of immovable property where the right of renewal was created by a written lease prior to the first day of August, 1925.

Trading in class trading area or class residential and trading area.

5. (1) From and after the date mentioned in any proclamation issued under this Chapter establishing a class trading area or a class residential and trading area within the jurisdiction of any urban local authority, it shall not be lawful

for any licensing court, board or authority, or for any person authorized to grant or issue licences or permits to carry on any trade or business within such jurisdiction—

- (a) to grant or issue to any person other than a person of the class concerned any licence, permit or other authority to carry on any trade or business within the class trading area or class residential and trading area as the case may be; or
- (b) to grant or issue to any person of the class concerned any licence or permit to carry on any trade or business within such jurisdiction elsewhere than in the class trading area or class residential and trading area, as the case may be:

Provided that if the Governor-General is satisfied that it is in the general interests of the public that it should be permitted to—

- (i) persons of the class concerned or any restricted number of such persons to carry on any particular trade or business within such jurisdiction elsewhere than in the class trading area or class residential and trading area, as the case may be; or
- (ii) persons other than person of the class concerned or any restricted number of such other persons to carry on any particular trade or business in the class trading area or class residential and trading area, as the case may be,

he may, by proclamation in the *Gazette* for such period as he may therein fix, exempt such persons or a restricted number of such persons from the operation of paragraph (a) or (b) of this sub-section in respect of that particular trade or business.

(2) No person holding, at the date mentioned in any proclamation issued under this Chapter establishing a class trading area or a class residential and trading area within the jurisdiction of any urban local authority, any licence, permit, or other authority to carry on any trade or business, which is actually being carried on, shall be deemed to be prevented by anything contained in this section from being granted a renewal of such licence, permit or other authority.

6. (1) Whenever, in the opinion of the urban local authority concerned, any area established under this Chapter as a class residential area or a class trading area or a class residential and trading area, proves inadequate or more than adequate for, or unsuitable either wholly or in part to, the requirements of the population of that class within the jurisdiction of such local authority, and such local authority deems it desirable to extend or reduce any such area or to alter the boundaries thereof, or to create a new class residential area or class trading area or class residential and trading area, such local authority may communicate its opinion to the Minister, who thereupon may take all such steps as he may take upon receipt of an intimation under section one.

(2) All and several the powers exercisable under this Chapter in respect of the establishment of a class residential area or a class trading area or a class residential and trading area shall be exercisable in respect of the creation of a new area or the extension or reduction of any existing area of like character or the alteration of the boundaries thereof.

(3) Nothing in this section contained shall be deemed to affect in any manner whatever any right to the renewal of a lease of immovable property where such right was held under a written lease existing on the first day of August, 1925, nor shall any person holding at the date mentioned in any proclamation issued in pursuance of this section any licence, permit, or other authority to carry on any trade or business which is actually being carried on be deemed to be prevented by anything contained in this section from being granted a renewal of such licence, permit or other authority.

7. (1) If at any time the Governor-General is satisfied that a class residential area or a class trading area or a class residential and trading area established under this Chapter is inadequate for, or wholly or partly unsuitable to, the requirements of the population of that class within the jurisdiction of the urban local authority concerned, and that, by reason of the delay which would necessarily take place in removing the causes of the inadequacy or unsuitability, serious prejudice would be suffered by that population unless the provisions of this Chapter in respect of such inadequate or unsuitable area be suspended, he may, by proclamation in the *Gazette* declare that, from and after a date to be therein mentioned, the provisions of this Chapter shall be suspended in respect of the class residential area or class trading area or class residential and trading area concerned.

(2) From and after such date the provisions of this Chapter shall in all respects cease to apply to the area deemed to be inadequate or unsuitable, and, in respect of such inadequate or unsuitable area, to the other parts of the jurisdiction of the urban local authority within which it is situated.

(3) The Governor-General may, whenever he may deem fit, reproclaim as a class residential area or a class trading area or a class residential and trading area, as the case may be, any area which has been the subject of a suspending proclamation under sub-section (1) of this section, or proclaim as a class residential area or a class trading area or a class residential and trading area under this Chapter any area which wholly or partly includes any area which has been the subject of a suspending proclamation under sub-section (1) of this section.

Class area for Asiatics to be deemed to be area in which under Law No. 3, 1885 (Transvaal), Asiatics may own fixed property.

8. Any class residential area, or class trading area, or class residential and trading area established under this Chapter for any Asiatic race shall, for the purposes of section *two* (b) of Law No. 3 of 1885 of the Transvaal, be deemed to be an area within which, in terms of that law, fixed property may be acquired and owned by Asiatics.

Class advisory board.

9. (1) For every class residential area, or class trading area, or class residential and trading area established under this Chapter there shall be established an advisory board consisting of not less than three persons of the class concerned resident within the jurisdiction of the urban local authority concerned, in addition to a chairman who in the case of a non-European class area may be a European or white person. The mode of election or selection of members of any such board, the period and conditions of office of members, and the procedure of the board shall be defined by regulations made by the urban local authority concerned and approved by the Minister.

(2) It shall be the function of an advisory board established under this section to advise the urban local authority concerned in respect of any matter referred to it by such authority for advice, and no by-laws or regulations particularly affecting the interests of the class of persons concerned shall be made, amended or withdrawn by any urban local authority unless the advice of such advisory board has first been obtained in respect of the making, amendment or withdrawal, as the case may be, of such by-law or regulation.

Prohibition of acquisition of immovable property in the Cape of Good Hope and Natal by certain persons.

10. (1) Save as provided in sections *eleven* and *twelve*, and in respect of the renewal of leases in sub-section (4) of section *four*, the Governor-General may by proclamation in the *Gazette* declare that from and after a date therein specified, not being earlier than the first day of August, 1925, no person of any class indicated in such proclamation shall—

(a) anywhere within the Union, hire or take over, or, as lessee, renew the lease of any immovable property for a period exceeding five years; or

(b) in the provinces of the Cape of Good Hope and Natal acquire any immovable property,

save for residential purposes in a class residential area or for trading purposes in a class trading area, or for any purpose in a class residential and trading area established for the class of persons indicated in a proclamation issued under section *four*.

(2) Notwithstanding anything contained in sub-section (1), the Governor-General may by proclamation in the *Gazette* declare that from and after a date to be specified therein a person of any class indicated therein may in the coast belt acquire immovable property or hire or renew the lease of immovable property from a person of the same class, but from no other person: Provided that where the immovable property is situate within a class area established under this Chapter within the coast belt, the provisions of section *four* shall apply in lieu of the provisions of this sub-section.

(3) From and after the date specified in any proclamation issued under sub-section (2), no person of any class indicated in such proclamation shall, by testamentary disposition, acquire any land or interest in land or the right to hire or occupy any immovable property in the coast belt, except from a person of the same class: Provided that where such land or immovable property is situated within a class area established under this Chapter within the coast belt the provisions of section *four* shall apply in lieu of the provisions of this sub-section.

(4) For the purposes of this section "the coast belt" means so much of the Province of Natal as lies between the coast and a line to be defined by the Governor-General by proclamation in the *Gazette* corresponding as far as practicable with the coast and drawn at an approximate distance of thirty miles therefrom, but shall not include any part of Zululand.

(5) Nothing in this section contained shall be deemed to affect the operation within the coast belt of any other provision of this Chapter.

**11.** (1) Subject to the provisions of sub-section (3) of section *three*, section *Savings.* *eight* and sub-section (3) of section *ten* of this Chapter, nothing in this Chapter contained shall be deemed—

- (a) to affect the operation of Law No. 3 of 1885 of the Transvaal or any amendment thereof; of section *two* of Act No. 18 of 1913; of Act No. 37 of 1919; of Chapter CXIII of the Orange Free State Law Book or any amendment thereof; or of any other law prohibiting, restricting, regulating, or in any way affecting, the ownership or occupation of immovable property or trading by persons of non-European descent; or
- (b) to prohibit the acquisition by the Government or any urban local authority for educational, municipal or any other public purpose of the ownership or occupation of any immovable property; or
- (c) to prohibit the acquisition at any time of land or interests in land or the lease or occupation of any immovable property by devolution or succession on death whether under will or on intestacy from a person of the same class; or
- (d) to prohibit any executor of a deceased estate or any trustee in insolvency or any assignee under the law relating to insolvency from holding any immovable property or trading under any licence where power to do any such thing is conferred upon him by any law; or
- (e) to invalidate or affect in any manner whatever any agreement or other transaction for the sale or purchase of land lawfully entered into prior to the first day of August, 1925.

**12.** (1) The Governor-General may grant to any person a certificate exempt- *Exemptions.* ing him either wholly or for such period as he may therein specify from all or any of the provisions of this Chapter, and such persons shall either wholly or for such period, as the case may be, be so exempted.

(2) Nothing in this Chapter contained shall be deemed—

- (a) to affect any person who is duly accredited to the Union by or under the authority of His Majesty or the Government of any foreign state, or the wife, family, staff or servants of any such person.
- (b) to refer to natives as that term is defined in section *twenty-nine* of the Native (Urban Areas) Act, 1923 (Act No. 21 of 1923);
- (c) to refer to—
  - (i) persons born in the Union and ordinarily resident in the Province of the Cape of Good Hope who are members of the class or race known as "Cape Coloured" or of the class or race known as "Cape Malays";
  - (ii) persons born in the Union and ordinarily resident in the Union elsewhere than in the Province of the Cape of Good Hope who would if resident in that Province, be regarded as members of either of the classes or races known as "Cape Coloured" or "Cape Malays" or
  - (iii) persons who are members of the class or race known as Mauritius Creoles or St. Helena persons or their descendants born in the Union.

(3) Notwithstanding anything contained in this Chapter all Europeans or white persons shall be regarded as having common racial characteristics.

**13.** In the Chapter unless inconsistent with the context

"class" or "class of persons" includes any persons having, in the opinion of the Minister, common racial characteristics;

"person of a class" includes any company or association of persons whether registered under any law or not in which one or more persons of the class referred to have a controlling interest;

"Minister" means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Chapter;

"urban local authority" means any municipal council, borough council, town council or village council, or any town board, village management board, local board or health board.

Interpretation of terms.

## CHAPTER II.

## IMMIGRANTS REGULATION.

Amendment of section *two* of Act No. 22 of 1913. 14. Section *two* of the Immigrants Regulation Act, 1913 (hereinafter in this Chapter called the principal Act) is hereby amended by the deletion from sub-section (7) of the words: "sufficient in the opinion of the Minister" and the substitution therefor of the following words: "fixed by the immigration officer not exceeding one hundred pounds."

Amendment of section *three* of Act No. 22 of 1913.

15. Section *three* of the principal Act is hereby amended—

- (a) by the addition at the end of sub-section (2) of the words: "From any such opinion there shall be an appeal to the Appellate Division of the Supreme Court";
- (b) by the deletion from sub-section (3) thereof of the following words: "and 'a superior court having jurisdiction' shall mean the Provincial Division of the Supreme Court which has jurisdiction where the board was sitting or any judge of such division or the Eastern Districts Local Division having such jurisdiction or any judge thereof."

Amendment of section *four* of Act No. 22 of 1913.

16. Section *four* of the principal Act is hereby amended—

- (a) by the addition to paragraph (f) of sub-section (1) after the words "have been stolen" of the following words: "incest, sodomy, bestiality, any offence under the law relating to insolvency"; and
- (b) by the deletion of paragraph (a) of sub-section (2); and
- (c) by the insertion of the following new sub-section (5): "For the purpose of this section the Northern Districts of Natal, as described in section *three* of 'The Northern Districts Annexation Act, 1902' (Act No. 1, of 1903, Natal) shall be deemed to be included in the Province of the Transvaal."

Amendment of section *five* of Act No. 22 of 1913.

17. Section *five* of the principal Act as amended by section *three* of the Indians Relief Act, 1914, is hereby amended by the deletion of paragraph (e) and (g) and the substitution therefor of the following new paragraphs:—

- (e) any British subject who was born in any part of South Africa included in the Union and whose parents were at the time of his birth lawfully resident therein and were not at the time restricted to temporary or conditional residence therein by any law then in force: Provided that any person who, if he were a prohibited immigrant, would be included within any class of persons which has, in terms of paragraph (a) of sub-section (1) of section *four*, been deemed by the Minister to be unsuited to the requirements of the Union or any province thereof shall lose the protection accorded by this paragraph if he has acquired or shall acquire a domicile in a province of the Union other than that in which he was born;

- (g) any person who is proved to the satisfaction of an 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 sixteen years of any person exempted by paragraph (f) of this section:

Provided:

- (i) that the wife or child (as the case may be) is not such a person as is described in paragraph (d), (e), (f), (g) or (h) of sub-section (1) of section *four* or any amendment thereof; and
- (ii) that where the exempted person belongs to any class of persons which has in terms of paragraph (a) of sub-section (1) of section *four* been deemed by the Minister to be unsuited to the requirements of the Union or any province thereof, the wife or child (as the case may be) enters the Union within five years after the first day of August, 1925, or within ten years after the date of the first entry of the person so exempted into the Union, whichever period may be the longer.

In the interpretation of this paragraph "the wife" shall include any one woman between whom and the exempted person mentioned there exists a union recognised as a marriage under the tenets of an Indian religion notwithstanding

that by those tenets the union of that exempted person with other women at the same time would also be recognised as a marriage: Provided that no woman shall be deemed to be the wife of such exempted person—

- (i) if such a union exists between him and any other woman who has under any law relating to immigration or to Asiatic registration been recognised within the Union as the wife of such person and has resided or resides or is domiciled in any Province; or
- (ii) if such exempted person has offspring resident or domiciled in any Province by any woman who is still living;

and a union shall not, for the purposes of this section, be deemed to have ceased to exist by reason only of the fact that according to the tenets of an Indian religion it has been dissolved.

“ The child under the age of sixteen ” shall mean a child who is the offspring of the exempted person and the wife as herein defined or the child of the exempted person and a deceased woman who if she had been alive could have been recognised at the time of the birth of the child as the wife (as herein defined) or whose union with the exempted person could have been registered at the time of the birth of the child as a marriage under section *two* of the Indians Relief Act, 1914: Provided such exempted person has no offspring resident or domiciled in any province by any other woman.

18. Section *ten* of the principal Act is hereby amended by the addition at the end thereof of the following words:—

Amendment of section *ten* of Act No. 22 of 1913.

Any such prohibited immigrant shall be dealt with in terms of section *nineteen* of this Act. If he is in possession of a registration certificate or a certificate of domicile or any other document authorising him to remain in the Union or any province it shall be competent for any board to which he may appeal, if it is proved to the satisfaction of the board that such certificate or other document was obtained by fraudulent representations by him or on his behalf, to order that such certificate or other document be cancelled and that he be dealt with in terms of this Act: Provided that if he fails to appeal to a board the Principal Immigration Officer concerned may exercise all such powers as to the cancellation of any certificate or other document as are by this section conferred upon a board.

19. Section *twenty-two* of the principal Act is hereby amended by the addition, after paragraph (c), of the following new paragraph:—

Amendment of section *twenty-two* of Act No. 22 of 1913.

- (d) for any offence under section *twenty* of this Act for which imprisonment is imposed without the option of a fine.

20. Section *thirty* of the principal Act is hereby amended by the deletion of the definition of the term “ domicile ” and the substitution therefor of the following definition:—

Amendment of section *thirty* of Act No. 22 of 1913.

“ domicile ” shall mean the place in which a person has his present permanent home, or present permanent residence or, to which he returns as his present permanent abode and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union of any province (as the case may be) for the purposes of this Act unless he has lawfully resided therein for a continuous period of three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in prison, gaol, reformatory or mental hospital, and a person shall be deemed for the purposes of this Act to have lost his domicile within the Union or any province (as the case may be) if he absents himself from the Union or that province (as the case may be) and does not return to the Union or that province (as the case may be) within three years from the date of departure therefrom or in the case of a person who absented himself from the Union or any province (as the case may be) prior to the 1st August, 1925, does not return to the Union or that province (as the case may be) before the 1st August, 1928: Provided that in cases where a person proceeds overseas for a special or temporary purpose the Minister may authorize the issue of a certificate of identity under the provisions of sub-section (2) of section *twenty-five* of this Act allowing the person concerned to return to, and resume his residence in the province named within the period specified in such certificate or any extension thereof not exceeding ten years in all.

Amendment of section *six* of Act No. 22 of 1914. **21.** Section *six* of the Indians Relief Act, 1914, is hereby amended by the insertion after the words "any port in India" of the words "or elsewhere".

### CHAPTER III.

#### REGISTRATION OF ASIATICS.

Surrender of Asiatic registration certificate.

**22.** A registration certificate issued under the provisions of the Asiatic Law Amendment Act, 1907, of the Transvaal (Act No. 2 of 1907), or the Asiatics Registration Amendment Act, 1908, of the Transvaal (Act No. 36 of 1908) may be surrendered by the holder to the Registrar of Asiatics and such surrender shall be conclusive evidence that such holder has abandoned any right of or incidental to entry, residence or domicile in the Transvaal Province.

Circumstances in which application for Asiatic registration certificate may be made.

**23.** If an Asiatic who has failed to make application for registration in accordance with the provisions of paragraph (2) of section *five* of the Asiatics Registration Amendment Act, 1908, of the Transvaal, satisfies the Registrar of Asiatics that such failure was due to some good and sufficient cause, the Minister of the Interior may, in his discretion, authorize the Registrar to receive an application for registration from such Asiatic and the application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said section and all the provisions of Act No. 36 of 1908 of the Transvaal as amended by this Act which would have applied if the application had been so made shall apply accordingly.

Amendment of section *seven* of Act No. 36 of 1908 of Transvaal.

**24.** Section *seven* of the Asiatics Registration Amendment Act, 1908, of the Transvaal, is hereby amended by the deletion of the words "save as in the next succeeding section is provided".

Amendment of section *nine* of Act No. 36 of 1908 of Transvaal.

**25.** Section *nine* of the Asiatics Registration Amendment Act, 1908, of the Transvaal, is hereby amended by the deletion of the last sentence thereof.

### CHAPTER IV.

#### SUPPLEMENTARY.

Repeal of Laws.

**26.** The laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the fourth column of that Schedule.

Short title.

**27.** This Act may be cited as the Areas Reservation and Immigration and Registration (Further Provision) Act, 1926.

### SCHEDULE.

Province.	No. & year of Law.	Title or Subject of Law.	Extent of Repeal.
Natal ..	Act No. 28 of 1897	To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants.	The whole.
Cape ..	Act No. 37 of 1904	The Chinese Exclusion Act, 1904	The whole.
Transvaal	Act No. 36 of 1908	The Asiatics Registration Amendment Act, 1908.	Sections <i>three, four, five</i> (paragraph one), <i>six, eight, sixteen, seventeen</i> (paragraphs five and six).
Union	Act No. 22 of 1914	Indians Relief Act, 1914.	Section <i>three</i> .

# THE ASIATIC BILL.

## PROPOSED AMENDMENTS TO THE IMMIGRANTS REGULATION ACT.

For the convenience of the reader, there are given in parallel columns the various clauses as at present existing in the Immigrants Regulation Act, 1913, together with the alterations, additions and deletions proposed in the "Areas Reservation and Immigration and Registration (Further Provision) Bill":—

### THE ACT AS IT EXISTS.

2. (7) No appeal shall be heard by a board unless notice thereof in the prescribed form has been given to the Immigration Officer by or on behalf of the person concerned within seventy-two hours after the refusal, detention, restriction, or arrest aforesaid, or, in case the appellant arrived by sea and the ship whereon he arrived is about to depart, unless such notice is given forthwith. In every case a deposit shall be made of an amount "**sufficient, in the opinion of the Minister**" to cover the detention expenses of the said person, the costs of bringing him before a board and of returning him to the place at which he was restricted if he desire to appear personally, and if he arrived by sea, the cost of his return passage by another ship to the place from which he came.

3. (2) A board may, of its own motion, and shall, at the request of the appellant or of an immigration officer, reserve for the decision of a superior court having jurisdiction, any question of Law which arises upon an appeal heard before such board under the last preceding section, and shall state such question in the form of a special case for the opinion of such court by transmitting such special case to the registrar thereof. The question so stated may be argued before such court which may call for further information to be supplied by the board if the court shall deem such information necessary and may give such answer on such case, supplemented by such information, if any, and may make such order as to the costs of the proceedings, as it may think right.

(3) For the purpose of this section—

"a question of law" shall, among other questions include a question of domicile, and "**a superior court having jurisdiction**" shall mean the provincial division of the Supreme Court which has jurisdiction where the board was sitting, or any judge of such division, or the Eastern Districts Local Division having such jurisdiction or any judge thereof, and "appellant" shall not include an alien.

4. (1) (a) Any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof;

### THE ACT AS PROPOSED TO BE AMENDED.

2. (7) The same, excepting the deletion of the words in black type, and the substitution of the following: "fixed by the immigration officer not exceeding one hundred pounds."

3. (2) The same, with the addition of the following words: "From any such opinion there shall be an appeal to the Appellate Division of the Supreme Court."

(3) For the purposes of this section—

"a question of law" shall, among other questions, include a question of domicile; and "appellant" shall not include an alien.

(NOTE—Portion in black type in the opposite section is to be deleted.)

4. (1) (a) The same, with the addition of the following words: "Provided that for the purpose of this section the Northern Districts of Natal, as described in section three of "The Northern Districts Annexation Act, 1903" (Act No. 1, 1903, Natal) shall be deemed to be included in the Province of the Transvaal."

NOTE.—Act No. 1, 1903, provides for the annexation to the Colony of Natal of certain Territories forming a part of the Transvaal Colony. Section three referred to above is as follows:—

"From and after the taking effect of this Act the undermentioned Territories, situated Northwards of the Colony of Natal now forming a part of the Transvaal Colony, shall be annexed to and shall henceforth form a part of the Colony of Natal, that is to say: The District of Vryheid, the District of Utrecht, a portion of the District of Wakkerstroom lying south of a line drawn from the North-eastern corner of Natal, East of Volksrust to the headwaters of the Pongolo River, and thence along that river to the border of the Utrecht District.

"The aforesaid Territories are in this Act shortly referred to as the Northern Districts."

(f) Any person who has been convicted in any country of any of the following offences (unless he has received a free pardon therefor) namely, murder, rape, arson, theft, receiving stolen goods knowing the same to have been stolen; fraud, forgery or uttering forged documents knowing the same to have been forged, counterfeiting coin or uttering coin knowing the same to be counterfeit, housebreaking with intent to commit an offence, burglary, robbery with violence, threats by letter or otherwise with intent to extort or of any attempt to commit any such offence, and by reason of the circumstances connected with the offence, is deemed by the minister to be an undesirable inhabitant of or visitor to the Union.

(2) Nothing in sub-section (1) contained shall be construed—

(a) as enabling a person to be deemed a prohibited immigrant in the Cape of Good Hope or Natal, if, being at the commencement of this Act lawfully entitled to reside in any Province, he shows or has shown that he is able to comply with the requirements described in section three (a) of Act No. 30 of 1906 of the Cape of Good Hope, or of section five (a) of Act No. 30 of 1903 of Natal.

NOTE.—Section three (a) of Act No 30 of 1906 of the Cape of Good Hope, referred to above reads as follows:—

(a) Any person who, when asked to do so by any duly authorised officer shall be unable through deficient education to himself write out and sign, in the characters of any European language an application to the satisfaction of the Minister; provided that for the purposes of this sub-section Yiddish shall be accepted as an European language.

Section five (a) of Act No 30 of 1903 of Natal referred to in this section reads as follows:—

(a) Any person who, when asked to do so by any duly authorised officer shall be unable through deficient education to himself write out and sign, in the characters of some European language, an application to the satisfaction of the Minister.

5. The following persons or classes of persons shall not be prohibited immigrants for the purposes of this Act, namely:—

- (e) any person born before the commencement of the Act in any part of South Africa included in the Union whose parents were lawfully resident therein and were not at that time restricted to temporary or conditional residence by any law then in force, and any person born in any place after the commencement of this Act whose parents were at the time of his birth domiciled in any part of South Africa included in the Union.
- (g) any person who is proved to the satisfaction of an Immigration Officer or in case of an appeal to the satisfaction of the board, to be the wife, or the child under the age of 16 years, of any person exempted by paragraph (f) of this section, provided that the wife or the child (as the case may be), is not such a person as is described in sub-section (1) (d), (e), (f), (g) or (h) of the last preceding section.

(f) The same, with the addition after the words "have been stolen" of the following; "incest, sodomy, bestiality, any offence under the law relating to insolvency."

(2) (a) Deleted.

5. The following persons or classes of persons shall not be prohibited immigrants for the purposes of this Act, namely:—

- (e) any British subject who was born in any part of South Africa included in the Union and whose parents were at the time of his birth lawfully resident therein and were not at that time restricted to temporary or conditional residence therein by any law then in force; Provided that any person who, if he were a prohibited immigrant, would be included within any class of persons which has, in terms of paragraph (a) of sub-section (1) of section four, been deemed by the Minister to be unsuited to the requirements of the Union or any province thereof shall lose the protection accorded by this paragraph if he has acquired or shall acquire a domicile in a province of the Union other than that in which he was born;
- (g) any person who is proved to the satisfaction of an 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 sixteen years of any person exempted by paragraph (f) of this section:

Provided:

- (i) that the wife or child (as the case may be) is not such a person as is described in paragraph (d), (e), (f), (g) or (h) of sub-section (1) of section four; and
- (ii) that where exempted person belongs to any class of persons which has in terms of paragraph (a) of sub-section (1) of section four been deemed by the Minister to be unsuited to the requirements of the Union or any province thereof the wife or child (as the case may be) enters the Union within five years after the first day of August, 1925, or within ten years after the date of the first entry into the Union, whichever period may be the longer, of the so exempted person.

**NOTE.**—Paragraphs (d), (e), (f), (g) and (h) of sub-section (1) of section four referred to in (i) deal with criminals and diseased persons, and paragraph (a) of sub-section (1) of section four referred to in (ii) is as follows—

(a) any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof.

In the interpretation of this paragraph "the wife" shall include any one woman between whom and the exempted person mentioned there exists a union recognised as a marriage under the tenets of an Indian religion notwithstanding that by those tenets the union of that exempted person with other women at the same time would also be recognised as a marriage. Provided that no woman shall be deemed to be the wife of such exempted person—

- (i) if such a union exists between him and any other woman who has under any law relating to immigration or to Asiatic registration been recognised within the Union as the wife of such person and has resided or resides or is domiciled in any Province; or
- (ii) if such exempted person has offspring resident or domiciled in any Province by any woman who is still living;

and a union shall not for the purposes of this section be deemed to have ceased to exist by reason only of the fact that according to the tenets of an Indian religion it has been dissolved.

"The child under the age of sixteen" shall mean a child who is the offspring of the exempted person and the wife as herein defined or the child of the exempted person and a deceased woman who if she had been alive could have been recognised at the time of the birth of the child as the wife (as herein defined) or whose union with the exempted person could have been registered at the time of the birth of the child as a marriage under section two of the Indians Relief Act, 1914.

Provided such exempted person has no offspring resident or domiciled in any province by any other woman.

10. No prohibited immigrant shall be exempt from the provisions of this Act or be allowed to remain in the Union, or in any Province wherein his residence is unlawful, or be deemed to have acquired a domicile therein, by reason only that he had not been informed that he could not enter or remain in the Union or (as the case may be) in that Province or that he had been allowed to enter or remain through oversight, misrepresentation or owing to the fact having been undiscovered that he was such a prohibited immigrant.

10. The same, with the following addition: "Any such prohibited immigrant shall be dealt with in terms of section *nineteen* of this Act if he is in possession of a registration certificate or a certificate of domicile or any other document authorizing him to remain in the Union or any Province it shall be competent for any board to which he may appeal, if it be proved to the satisfaction of the board that such certificate or other document was obtained by fraudulent representations by or on behalf of the holder, to order that such certificate or other document be cancelled and that he be dealt with in terms of this Act: Provided that if he fails to appeal to a board the Principal Immigration Officer concerned may exercise all such powers as to the cancellation of any certificate or other document as are by this section conferred upon a board."

22. Any person (not being a person born in any part of South Africa which has been included in the Union) who, whether before or after the commencement of this Act has been sentenced to imprisonment—

- (a) for a contravention of the provision mentioned in the first schedule to this Act or any provision hereafter amending that provision or substituted therefor or for any offence mentioned in sub-section 1 (f) of section four;
- (b) for selling, bartering, giving or otherwise supplying intoxicating liquor to any coloured person in contravention of any law; or
- (c) for dealing in or being in possession of unwrought precious metal or rough or uncut precious stones in contravention of any law, and who by reason of the circumstances connected with the offence, is deemed by the Minister to be an undesirable inhabitant of the Union, may be removed from the Union by warrant, and pending removal, may be detained in such custody as may be prescribed by regulation,

22. The same, with the addition of the following new paragraph:—

- (d) for any offence under section *twenty* of this Act for which imprisonment has been imposed without the option of a fine.

**NOTE.**—Section 20 above referred to reads as follows:—  
Any person who—

- (a) aids or abets any person in entering or remaining within the Union or any Province in contravention of this Act, knowing that person to be prohibited from so entering or remaining;
- (b) aids or abets a person ordered to be removed from the Union or any Province in evading the order, or harbours any such person knowing him to be the subject of any such order;
- (c) for the purpose of entering the Union, or any Province in which he is a prohibited immigrant, or of facilitating or assisting the entrance of himself or any other person in contravention of the Act, commits any fraudulent act or makes any false representation by conduct, statement, or otherwise, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment to imprisonment with or without hard labour for a period not exceeding six months, or to such imprisonment without the option of a fine,

30. In this Act, and in the regulations made thereunder, unless inconsistent with the context—

“domicile” shall mean the place in which a person has his present home or in which he resides or to which he returns as his place or present permanent abode and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union or any Province (as the case may be) for the purposes of this Act unless he has resided therein for at least three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in a prison, gaol, reformatory or lunatic asylum; and a person shall be deemed for the purposes of this Act to have lost his domicile within the Union or any Province (as the case may be) if he voluntarily go and reside outside the Union or the Province (except for a special or temporary purpose) with the intention of making his home outside the Union or that Province (as the case may be).

Section six of the Indians Relief Act, 1914 :—

The Minister may in his discretion cause to be provided out of moneys appropriated by Parliament for the purpose of a free passage from any port in the Union to any port in India (with or without free conveyance by rail to such first mentioned port) for any Indian (other than an Indian who is or may become entitled under Law No. 25 of 1861—Natal—or any amendment thereof to such free passage), who makes a written request for such free passage, etc.

30. In this Act and in the regulations made thereunder, unless inconsistent with the context—

“domicile” shall mean the place in which a person has his present permanent home, or present permanent residence, or to which he returns as his present permanent abode and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union or any province (as the case may be) for the purposes of this Act unless he has lawfully resided therein for a continuous period of three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in prison, gaol, reformatory or mental hospital, and a person shall be deemed for the purposes of this Act to have lost his domicile within the Union or any province (as the case may be) if he absents himself from the Union or that province (as the case may be) and does not return to the Union or that province (as the case may be) within three years from the date of departure therefrom or in the case of a person who absented himself from the Union or any Province (as the case may be) prior to the 1st August, 1925, does not return to the Union or that Province (as the case may be) before 1st August, 1928: Provided that in cases where a person proceeds overseas for a special or temporary purpose the Minister may authorize the issue of a certificate of identity under the provisions of sub-section (2) of section *twenty-five* of this Act allowing the person concerned to return to, and resume his residence in the Province named within the period specified in such certificate or any extension thereof not exceeding ten years in all.

Section six of the Indians Relief Act, 1914, remains, with the addition after the words “any port in India” of the words “or elsewhere.”

## APPENDIX A.

Dr. Malan, Minister of Interior's Speech in introducing the Areas Reservation and Immigration and Registration (Further Provision) Bill in July, 1925.

Dr. Malan moved for leave to introduce a Bill to make provision for the reservation of residential and trading areas in the urban areas for certain persons having racial characteristics in common; to amend the Immigrants Regulation Act 1913 (No. 22 of 1913), the Indians Relief Act, 1914 (No. 22 of 1914), and the Asiatic Registration Amendment Act (Transvaal), 1908 (No. 36 of 1908); and to amend and repeal certain laws.

Dr. Malan said: The introduction of this Bill is, as hon. members will know, an undertaking on my part about a year ago during the last session of Parliament. During that session a motion was introduced dealing with the Asiatic question by the hon. member for Illovo, and replying on that occasion I undertook I would go into the whole of the Asiatic question during the recess as thoroughly as I could, and that I would introduce during this session of Parliament legislation dealing with that problem. I am very sorry I could not have the Bill ready before the very end of the session. I say I am sorry for that, because I realize, especially after having gone into the question personally, that the Asiatic problem is indeed a very pressing one in the country, and that delay will certainly, in future, not make the solution of the question easier for us.

On the other hand, I am not sorry that legislation is introduced at this late stage, because it is of course impossible to carry the Bill further than just the first reading now. In the meantime in the recess, before the Bill can be brought up again next session, the country as a whole will have the fullest opportunity of knowing what the policy of the Government is in regard to the Asiatic problem, and I personally, and the Government with me, will certainly follow the criticism, especially constructive criticism, which is brought forward in connection with this Bill, and I must say that personally I shall be very glad to adopt any helpful suggestions which may be brought forward during the recess.

I consider the Asiatic question, just as the Native question is, as a problem not for one political party, but a problem for the whole country, and a question which should be solved as far as possible above the arena of party strife. We should keep it as far as possible above party divisions. I am not going at this stage to make any second reading speech on this Bill, especially as the Bill is not yet in the hands of hon. members, but perhaps hon. members will allow me to make a few remarks of a general character.

In the first place I want to say that the Bill, as hon. members will have an opportunity of seeing later on, will certainly not satisfy extreme sections in the country. In this Bill I tried to steer the safe and sane middle course. The radical element in the country will certainly think that this Bill is too weak and moderate, and on the other hand that element in the country which is faint-hearted, or weak, will certainly think that this Bill is going quite too far, that it is too radical, and that in certain senses it will be oppressive.

## INDIAN AS AN ALIEN.

I must say that the Bill frankly starts from the general supposition that the Indian, as a race in this country, is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country.

But, on the other hand, the method of dealing with this question will not be the employment of any forcible means. The method which this Bill will propose will be the application of pressure to supplement, on the other hand, the inducement which is held out to Indians to leave the country. The Bill to a certain extent follows well-known lines. To a certain extent we go on the path which has been trodden before by my hon. friends opposite, but the Bill does not rest there, it goes a good deal further.

The Bill tries, to a much larger extent than was done by the Class Areas Bill of the previous Government, to carry out the recommendations of the Asiatic Inquiry Commission.

We are dealing in this Bill not only with residential or commercial segregation, but also with land ownership, especially in Natal.

In addition to that, the Bill proposes in certain respects to amend the Immigrants Regulation Act.

We find that there is a considerable influx of Indians still continually going on, especially the influx of Indian women, and the amendments which we propose in this Bill will go very far to put an effective stop to that.

There is one omission which I think certainly will be noted by hon. gentlemen when they read the Bill, and that is that this Bill, except in a general way, does not deal with the issue of trading licences. By another Bill which has passed, or which is being dealt with by Parliament just now, we will establish uniformity in regard to licences issued in this country, but that uniformity only consists in the fixing of the amount to be paid for these licences, and the issue of the licences to particular persons remains, as before, in the hands of the Provincial Administrations. So also the issue of trading licences to Asiatics will remain in the hands of the Provincial Administrations just as before.

I would just further make this general remark—that in this Bill we are trying to respect, as far as possible, the susceptibilities of the Indian population. We follow the example of legislation which has been passed by this House on previous occasions, and throughout the Bill we do not mention the name of the Asiatic as a class at all, except where it must be done in cases where we refer to existing laws which deal specifically with Asiatics as a class.

I must just conclude by making two points quite clear. I wish to be very clearly understood on these two points. The first is that the introduction of this Bill will not or must not be taken as closing the door to any negotiations or communications which may pass at present or in the future between the Union Government and the Government of India in regard to the Indian question.

#### ROUND-TABLE CONFERENCE.

As I have stated on a former occasion, this Government has been approached by the Government of India with a view to arranging between the two Governments a round-table conference on the treatment of Indians in South Africa. These negotiations are not yet closed, though they have taken a very definite course. The introduction at this stage of this proposed legislation must not be taken as closing the door to further communications between the two Governments about this particular point. On the contrary, I think that the statement, as embodied in this Bill, of the Asiatic policy of the present Government will very materially help further communications which there may be between the two Governments.

General Smuts: Can you tell us how far the negotiations have gone?

Dr. Malan: It is very difficult at this stage to make any statement on that point. I do not think it is to the public interests to do so just now.

#### IN OPERATION NEXT MONTH.

The other point upon which I wish to lay emphasis is this—and I give it as an intimation to everyone interested in the Bill—that according to the Bill as it stands now it will come into operation on August 1st of this year—within a fortnight's time. Whatever the time may be when this Bill may be passed by the Union Parliament, this order to come into operation on August 1st will stand. I think it is necessary, at this stage, to make this announcement because in the Bill certain vested interests are protected, and if the Bill does not come into operation or is made retrospective afterwards to come into operation on August 1, 1925, I am afraid there will be a general scramble amongst the Indian population for the creation of vested interests, and in that way the problem which we wish to solve will be made infinitely more complicated, and therefore I wish it to be understood that whenever this Bill is passed it will come into operation as from August 1st of this year. This, I think, is all I wish to say at this stage, and I move the first reading of the Bill.

The motion for leave to introduce the Bill was put and agreed to.

## APPENDIX B.

## SMUTS-GANDHI AGREEMENT OF 1914.

(A) THE ORIGINAL DRAFT LETTERS.

(B) THE SMUTS-GANDHI AGREEMENT.

(A) *The Draft Letters.*

The following were the original draft letters between General Smuts and Mr. Gandhi which led to the Agreement of June 30, 1914:—

Pretoria, January 21, 1914.

The Secretary for the Interior, Pretoria.

“ Sir,—Before leaving for Phœnix, I venture to express my thanks to General Smuts for the patient and kind interviews that he has been pleased to grant me during this time of overwhelming pressure. My countrymen will remember with gratitude his great consideration.

“ I understand that the Minister is unable to accept (with regard to the Indian Inquiry Commission) either—

- (1) My suggestion that a member representing Indian interests should be co-opted, when suggestions of policy are inquired into; or
- (2) My suggestion that a second commission, with Indian representation, should be appointed to deal with those questions only, the present Commission in that case becoming purely judicial. I submitted a proposal also, which, in view of the Government's decision, I need not state here. Had any of my suggestions been viewed favourably by the Government, it would have been possible for my countrymen to assist the labours of the Commission. But with regard to leading evidence before this Commission, which has a political as well as a judicial character, they have conscientious scruples, and these have taken with them a solemn and religious form. I may state briefly that these scruples were based on the strong feeling that the Indian community should have been either consulted or represented where questions of policy were concerned.

“ The Minister, I observe, appreciates these scruples, and regards them as honourable, but is unable to alter his decision. As, however, by granting me the recent interviews, he has been pleased to accept the principle of consultation, it enables me to advise my countrymen not to hamper the labours of the Commission by any active propaganda, and not to render the position of the Government difficult by reviving passive resistance, pending the result of the Commission and the introduction of legislation during the forthcoming session.

“ If I am right in my interpretation of the Government's attitude on the principle of consultation it would be further possible for us to assist Sir Benjamin Robertson, whom the Viceroy, with gracious forethought, has deputed to give evidence before the Commission.

“ A word is here necessary on the question of allegations as to ill-treatment during the progress of the Indian strike in Natal. For the reasons above stated, the avenue of proving them through the Commission is closed to us. I am personally unwilling to challenge libel proceedings by publishing the authentic evidence in our possession, and would far rather refrain altogether from raking up old sores. I beg to assure the Minister that, as passive resisters, we endeavour to avoid, as far as possible, any resentment of personal wrong. But, in order that our silence may not be mistaken, may I ask the Minister to recognise our motive and reciprocate by not leading evidence of a negative character before the Commission on the allegations in question?

“ Suspension of passive resistance, moreover, carries with it a prayer for the release of the passive resistance prisoners now undergoing imprisonment, either in the ordinary gaols or the mine compounds, which might have been declared as such.

“ Finally, it might not be out of place here to recapitulate the points on which relief has been sought.

They are as follows:—

- (1) " Repeal of the £3 tax in such a manner that the Indians relieved will occupy virtually the same status as the indentured Indians discharged under the Natal Law 25 of 1891.
- (2) " The Marriage Question.  
(These two are the points, as I have verbally submitted, which require fresh legislation.)
- (3) " The Cape entry question. (This requires only administrative relief, subject to the clear safeguards explained to the Minister.)
- (4) " The Orange Free State question. (This requires merely a verbal alteration in the assurance already given.)
- (5) " An assurance that the existing laws, especially affecting Indians, will be administered justly, with due regard to vested rights.

" I venture to suggest that Nos. 3, 4 and 5 present no special difficulty, and that the needful relief may be now given on these points as an earnest of the good intentions of the Government regarding the resident Indian population.

" If the Minister, as I trust and hope, views my submission with favour, I shall be prepared to advise my countrymen in accordance with the tenour of this letter."

(Sgd.) M. K. GANDHI.

Department of the Interior, Pretoria.

January 21st, 1914.

" Sir,—With reference to your letter of even date, I am instructed by the Minister of the Interior to reply that you are correct in your statement that it is not proposed to make any alteration either in the personnel of, or the reference to, the Commission appointed to inquire into the recent Indian strike in Natal. The Minister regrets, but, of course, understands, that you are so far committed by your previous public declarations in regard to the Commission that you are precluded from appearing before it. He also recognises the motive which makes you unwilling to revive old sores by courting libel proceedings before another tribunal.

" The Government repudiates as strongly and emphatically as heretofore the charges of harsh or improper action against the Indian passive resisters and strikers. But, as you and your friends have decided not to appear before the Commission and lead evidence in support of those allegations, it seems likely that there will be no charges for the Commission to investigate. The Government would regret the consequent absence of an opportunity to lead rebutting evidence in vindication of the conduct of its officials, but it feels that, unless it has a definite case to answer, any attempt to deal with the allegations before the Commission could only result in an unprofitable waste of time.

" The Government is anxious that any recommendations which the Commission may make on the larger issue of Indian grievances should be received at a sufficiently early date to enable proposals to be submitted to Parliament during the forthcoming session. It is hoped that those proposals, if accepted by Parliament, would ensure a satisfactory and permanent settlement. The Government considers that such a settlement of long-standing disputes is too important to justify any risk of endangering its achievement by delaying the proceedings of the Commission, already delayed through unforeseen circumstances, by an inquiry which would now be necessarily one-sided, into points of minor and secondary moment relatively to wider issues at stake.

" If, therefore, the Indians decline to submit to the Commission any specific charges in connection with the treatment of passive resisters and strikers during the recent troubles, the Government will not think it necessary to take any further action in refutation of the allegations against it and its officers, but it reserves its right to ask the Commission to investigate the occurrences which resulted in loss of life at Esperanza and Mount Edgecombe.

" With reference to your prayer for the release of bona-fide passive resistance strikers from ordinary or compound gaols, the Department of Justice had already, previous to the arrival of your letter, taken steps for the release of the small balance of these prisoners kept in the gaols.

" In regard to the grievances which you have summarised at the end of your letter, the Government will, as already stated, await the recommendations of the Commission before taking any action."

(Sgd.) E. M. GORGES.

Secretary for the Interior.

M. K. Gandhi, Esq., Pretoria.

(B) *The Smuts-Gandhi Agreement.*

The following correspondence between Mr. Gandhi and General Smuts, in confirmation of a series of interviews, constitutes a perfect understanding between the Government and the Indian community in regard to those administrative matters which do not come under the Indians' Relief Bill:—

Department of the Interior,  
Capetown, Cape of Good Hope,  
30th June, 1914.

Dear Mr. Gandhi,—Adverting to the discussions you have lately had with General Smuts on the subject of the position of the Indian community in the Union, at the first of which you expressed yourself as satisfied with the provisions of the Indians' Relief Bill and accepted it as a definite settlement of the points, which required legislative action, at issue between that community and the Government; and at the second of which you submitted for the consideration of the Government a list of other matters requiring administrative action, over and above those specifically dealt with in that Bill; I am desired by General Smuts to state with reference to those matters that:—

- (1) He sees no difficulty in arranging that the Protector of Indian Immigrants in Natal will in future issue to every Indian, who is subject to the provisions of Natal Act 17 of 1895, on completion of his period of indenture, or re-indenture, a certificate of discharge, free of charge, similar in form to that issued under the provisions of Section 106 of Natal Law No. 25 of 1891.
- (2) On the question of allowing existing plural wives and the children of such wives to join their husbands (or fathers) in South Africa, no difficulty will be raised by the Government if, on enquiry, it is found, as you stated, that the number is a very limited one.
- (3) In administering the provisions of Section (4) (1) (a) of the Union Immigrants' Regulation Act, No. 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South African-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past; the Government, however, reserve the right, as soon as the number of such entrants sensibly increase, to apply the provisions of the Immigration Act.
- (4) In the case of the "specially exempted educated entrants into the Union" (*i.e.*, the limited number who will be allowed by the Government to enter the Union each year for some purpose connected with the general welfare of the Indian community), the declarations to be made by such persons will not be required at Provincial borders, as the general declarations which are made in terms of Section 19 of the Immigrants' Regulation Act at the port of entry are sufficient.
- (5) Those Indians who have been admitted within the last three years, either to the Cape Province or Natal, after passing the education tests imposed by the Immigration Laws which were in force therein prior to the coming into effect of Act 22 of 1913, but who, by reason of the wording of Section 30 thereof, are not yet regarded as being "domiciled" in the sense in which that term is defined in the Section in question, shall, in the event of their absenting themselves temporarily from the Province in which they are lawfully resident, be treated, on their return, as if the term "domicile" as so defined did apply to them.
- (6) He will submit to the Minister of Justice the cases of those persons who have been in the past convicted of "bona fide passive resistance offences" (a term which is mutually understood) and that he anticipates no objection on Mr. De Wet's part to the suggestion that convictions for such offence will not be used by the Government against such persons in the future.
- (7) A document will be issued to every "specially exempted educated entrant" who is passed by the Immigration Officers under the instructions of the Minister issued under Section 25 of Act No. 22 of 1913.
- (8) All the recommendations of the Indian Grievances Commission enumerated at the conclusion of their Report, which remain over and above the points dealt with in the Indians' Relief Bill will be adopted by the Government;

and subject to the stipulation contained in the last paragraph of this letter the necessary further action in regard to those matters will be issued without delay.

With regard to the administration of existing laws, the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights.

In conclusion, General Smuts desires me to say that it is, of course, understood, and he wishes no doubts on the subject to remain, that the placing of the Indians' Relief Bill on the Statute Book of the Union, coupled with the fulfilment of the assurances he is giving in this letter in regard to the other matters referred to herein, touched upon at the recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long, and will be unreservedly accepted as such by the Indian community.

I am, etc.,  
(Sgd.) E. M. GORGES.

M. K. Gandhi, Esq.,  
7, Buitensingel,  
Capetown.

7, Buitensingel,  
Capetown,  
30th June, 1914.

Dear Mr. Gorges,—I beg to acknowledge receipt of your letter of even date herewith setting forth the substance of the interview that General Smuts was pleased, notwithstanding many other pressing calls upon his time, to grant me on Saturday last. I feel deeply grateful for the patience and courtesy which the Minister showed during the discussion of the several points submitted by me.

The passing of the Indians' Relief Bill and this correspondence finally closed the Passive Resistance struggle which commenced in the September of 1906 and which to the Indian community cost much physical suffering and pecuniary loss and to the Government much anxious thought and consideration.

As the Minister is aware, some of my countrymen have wished me to go further. They are dissatisfied that the trade licences laws of the different Provinces, the Transvaal Gold Law, the Transvaal Townships Act, the Transvaal Law 3 of 1885 have not been altered so as to give them full rights of residence, trade and ownership of land. Some of them are dissatisfied that full inter-provincial migration is not permitted, and some are dissatisfied that on the marriage question the Relief Bill goes no further than it does. They have asked me that all the above matters might be included in the Passive Resistance struggle; I have been unable to comply with their wishes. Whilst, therefore, they have not been included in the programme of Passive Resistance, it will not be denied that some day or other these matters will require further and sympathetic consideration by the Government. Complete satisfaction cannot be expected until full civic rights have been conceded to the resident Indian population.

I have told my countrymen that they will have to exercise patience and by all honourable means at their disposal educate public opinion so as to enable the Government of the day to go further than the present correspondence does. I shall hope that when the Europeans of South Africa fully appreciate the fact that now, as the importation of indentured labour from India is prohibited and as the Immigrants' Regulation Act of last year has in practice all but stopped further free Indian immigration and that my countrymen do not aspire to any political ambition, they, the Europeans, will see the justice and indeed the necessity of my countrymen being granted the rights I have just referred to.

Meanwhile, if the generous spirit that the Government have applied to the treatment of the problem during the past few months continues to be applied, as promised in your letter, in the administration of the existing laws, I am quite certain that the Indian community throughout the Union will be able to enjoy some measure of peace and never be a source of trouble to the Government.

I am,  
Yours faithfully,  
(Sgd.) M. K. GANDHI.

E. M. Gorges, Esq.,  
Department of the Interior,  
Capetown.

[For the disputed letter of July 7th, 1914, which did not form part of the original Agreement, see Appendix F.—C.F.A.]

## APPENDIX C.

## SPEECHES AND RESOLUTIONS IN CONNEXION WITH IMPERIAL RELATIONS.

*(a) General Smuts' Speech at the Imperial War Cabinet, 1917.*

" I wish to speak, Mr. Chairman, on this subject specially since the matter of the treatment of Indian Immigrants in South Africa, as you know, has been a cause of constant trouble not only between us and the Empire of India, but between us and the Colonial Office and India Office. I agree with the former speakers that a departure has been made in this Conference in bringing the representative from the Empire of India to this Conference which will go far to obviate the recurrence of such troubles in the future. In South Africa, there has been this fundamental trouble, that the white community have been afraid to open the door too wide to Indian Immigration. We are not a homogeneous population. We are a white population on a black continent; and the settlers in South Africa have for many years been actuated by the fear that to open the door to another non-white race would make the position of the few whites in South Africa very dangerous indeed. It is because of that fear and not because of any other attitude towards the question of Asia that they have adopted an attitude which sometimes, I am bound to admit, has assumed the outward form, although not the reality, of intolerance. Luckily we have got over these difficulties. The visit of the late Mr. Gokhale to South Africa did an enormous amount of good. His visit was followed later by that of Sir Benjamin Robertson, a distinguished public servant of India who also assisted the Government to overcome great difficulties on this point some years ago. The result has been the Legislation to which both the whites and the Indian community in South Africa agreed. There is still a difference of opinion on administrative matters of detail, some of which are referred to in the Memorandum before us, but 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 would be considered subsidiary and become easily and perfectly soluble. That is the position in which we are now. 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 the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles which have occurred and will occur from time to time. Of course the main improvement has been the calling of India to the Council Chamber of the Empire. Here, if any question proves difficult of treatment, we can discuss it in a friendly way and try to find in consultation a solution, and I am sure we shall ever find it. I, for one, do not consider that amongst the multitudinous problems which confront us in our country the question of India will trouble us much in the future."

*(b) Mr. Burton's Speech at the Imperial Conference, 1918.*

" The matters which were raised by Sir Satyendra Sinha and the Maharajah, in connection with this question, present, I suppose, some of the most difficult and delicate problems, which we have had to deal with and which it is our duty as statesmen to attempt to solve satisfactorily, if the British Empire is to remain a healthy organisation. I have told Sir Satyendra myself, that my own attitude has been—and I am sure it is the attitude of my colleagues—sympathetic towards the Indian position generally. There are, of course, difficulties and it would be idle to disguise the fact that many of these difficulties are of substantial importance, which have to be faced in dealing with this matter. But I do not despair of a satisfactory solution being arrived at.

" Sir Satyendra Sinha has been good enough to refer to the attitude adopted by Canada and ourselves in discussing this matter in Committee, and I think, it is only right, from our point of view, to add that the possibility of arriving at a satisfactory solution on this occasion has been due very largely indeed to the reasonable and moderate attitude which the Indian representatives themselves have adopted. But for that, of course, the difficulties would have been ever so

much greater. As far as we are concerned, it is only fair to say—and it is the truth—that we have found that the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding, quiet citizens; and it is our duty to see, as he himself expressed it, that they are treated as human beings, with feelings like our own, and in a proper manner.

“As to the details, I need not go into all of them. Paragraph No. 3 embodies, as a matter of fact, the present law of the Union of South Africa. That is our position there; so that our agreement as to that is no cession. I pointed out to Sir Satyendra, when we were in committee, that in some of these points which he brought up as affecting South Africa I thought, in all probability, if he were in a position to investigate some of them himself, he would find that the complaints were somewhat exaggerated. I cannot help feeling that is the case, but I will not go into these matters now. As far as we are concerned in South Africa, we are in agreement with this resolution, and also with the proposal referring the Memorandum to the consideration of our Government and we will give it the most sympathetic consideration we certainly can.”

(c) *Text of the Reciprocity Resolution, 1918.*

(1) “It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on Immigration from any of the other communities.

(2) “British citizens domiciled in any British country, including India, should be admitted into any other country for visits, or the purpose of pleasure and commerce, including temporarily residence for the purpose of education. The condition of such visit should be regulated on the principle of Reciprocity as follows:—

(a) The right of the Government of India is recognised “to enact Laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such countries.

(b) Such right of visit or temporary residence shall in each individual case be embodied in a passport or written permit issued by the country of domicile and subject to visa there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires.

(c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

(3) “Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each Indian; (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

(4) “The Conference recommends the other questions covered by the Memoranda presented this year and last year to the Conference by the representatives of India in so far as not dealt with in the foregoing paragraphs of this Resolution, to the various Governments concerned with a view to early consideration.”

(d) *Speech of General Smuts, as Prime Minister, August 26th, 1919, when presented with an address at Durban by Indian community:—*

“The British are profoundly grateful for the effort India made in the war, and that gratitude is not merely academic, but will be reflected in the attitude of conciliation and benevolence of the British people towards the people of India in greater political freedom than they had enjoyed before.

“I thank you for the beautiful address with which you have presented me, and for the sentiments expressed therein. I am glad to note that in the address you have made mention of the fact of your countrymen having served under my command in this Great War. As I have said on previous occasions, I have been proud of the privilege of having had under me in East Africa so large a number of your countrymen. Some of them came from the independent Native States of India, Imperial Service contingents and others, who did great and glorious work in this War. I had written from East Africa to the Princes of India of the splendid part they played by their troops, and that there were few better

than they. Your countrymen fought not only in East Africa, but took part in other theatres of war. The conquering of the Turkish Empire was, in the main, the work of the Indian army. The burden of the work in Mesopotamia, Turkestan, and the Indian Frontier fell almost entirely upon the Indian army. If the war had continued until this year, the Indian Empire would have had over a million men in the field. The stupendous part Indians played in this struggle has had considerable effect on the result of the war. Owing to her magnificent efforts, India has won for herself a place among the nations of the world.

"As a member of the War Cabinet, I have had great opportunities of knowing more about the feelings of the Indians and their desire for a larger share in the apportionment of commissions in the Army, and I am glad I was able to do something for them in the Cabinet. I have worked in public and a good deal in private for the recognition of India and her services to the Empire. I strongly supported the proposals of granting commissions to Indians, and when it was pointed out that this might create an anomalous position, and that there might be the possibility of Europeans being placed under Indians, I replied, "Why not? I would be proud to serve under an Indian Officer if he were able." In the Peace Conference, India was represented by the Maharajah of Bikanir, Lord Sinha, and Mr. Montagu. The Maharajah is a personal friend of mine, and Lord Sinha is a man of considerable ability and training. He is one of the cleverest men I have met, and I was able to learn much from him on India's problems. As a result of the war, there was an emotional feeling throughout the world which did not leave India unaffected. She desires to govern herself. Other Asiatics have been ruling and misruling; and India, after having been under the British for over 100 years, should be given a large measure of self-government. I have been a party to the Hon. Mr. Montagu going to India to study the question there, which has resulted in some far-reaching concrete proposals being submitted to the British Parliament. The British are a very highly imaginative people, though they do not appear to be so. There was a great feeling in England in favour of India's aspirations. With the improvement of the status of India, the position of the Indians in other places will be better. Before my return, I found that the Asiatic Trading Act had been passed in the Union, and there had been a great irritation among the Indians here, which had also caused a great deal of feeling in India. But the Government had decided to appoint a Commission to go into the whole matter. India would be represented by members on the Commission to watch over the interests of Indians so that no stigma might attach to them. Some of you think I look down upon Indians, but that is not so. I look up to them. They come from a very old civilization—much older than ours. They are able to hold their own. We have our difficulties in South Africa, and we, as a small white community, cannot withstand a great influx of Indians. We would be crushed and overwhelmed if we had an open door. India, if she is in need of immigration for her surplus population, has the fertile fields of Mesopotamia, Euphrates, Tigris and Turkestan, which can hold 30,000,000 of people. But, now that the Indians are here, I hold they should have fair treatment in all parts of the Union. We have to live side by side in conciliation, and we must endeavour to understand each other's standpoint, so that we may live together and grow together. We are members of the one family and belong to the same Empire."

*(e) Speech by the Rt. Hon. E. S. Montagu, Secretary of State for India, to a Deputation in London concerning the new Act adversely affecting Indians in the Transvaal, August 28th, 1919.*

"You have quoted in your excellent Memorandum some of the proceedings at the Conference of 1917 when we achieved an admission of the right of the dominions and of India to control their own immigration and you included the very part of General Smuts' speech which I had down in my own to read to you. I think, after a statement of that kind, it is not surprising that we were disappointed. But I come now to the proceedings of the Imperial Conference at which I myself helped—the one of last year . . . . . Mr. Burton, who represented South Africa in that discussion, said: 'It is only fair to say, and it is the truth, that we have found that Indians in our midst in South Africa, who form, in some parts, a very substantial portion of the population, are good, law-abiding, quiet citizens, and it is our duty to see, as Lord Sinha expressed it, that they are treated as human beings with feelings like our own, and

in a proper manner.' Then he went on to say: 'As far as we are concerned in South Africa, we are in agreement with this resolution, and also with the proposal to refer the memorandum to the consideration of our Government, and we will give it the most sympathetic consideration that we can, certainly.' Well, Gentlemen, is it surprising, in view of these hopeful words and in view of the demeanour of our Dominion colleagues, both in Conference and in Committee, that we, the representatives of India at that Conference, expressed our gratitude for the way in which they were approaching the problem and felt confident that the future was going to be brighter than the past? And is it surprising that the first legislative action taken after this Conference has aroused a depth of feeling and emotion, not only throughout India, but among all those who have an opportunity of serving India and forwarding her interests? 'Gentlemen, Lord Sinha and I in Paris were continually discussing this matter with General Smuts and with General Botha, and I would beg you to remember in discussing this matter that it may well be that the forces arrayed against you are not the Colonial Office to whose assistance I desire to pay a warm tribute, or the High Commissioner, the Governor-General, Lord Buxton, to whose services, for many reasons, I desire to pay a warm tribute on behalf of India, or even the Government itself, but certain powerful people who live in that country; and I would draw your attention to the fight, the good fight, which was put up by the South African Government successfully against the clause which it was intended to add to this Bill which would have made it even still more disastrous to our cause than it is to-day . . . . . We have suggested what appears to all of us in this room too obvious, that this is not a domestic enquiry. It is an Imperial Enquiry. An Enquiry upon which I would go so far as to say not only the good relations of the members of the Empire depend, but upon which the sincerity of the welcome which the Dominions gave to the representatives of India at the Imperial Conference would be decided by the world, and, therefore, I have asked that the Government of India should be directly represented upon the Commission, and in case anybody might think, which I know is not the case, that there is any difference of opinion between officials and non-officials, we have suggested that the Government of India should be represented by one official and one non-official on the Commission.'

(f) *Text of the Resolution, 1921.*

"The Imperial Conference, while re-affirming the resolution of the Imperial War Conference of 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction of immigration from any other communities, recognizes that there is incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon the British Indians lawfully domiciled in some other parts of the Empire. The Imperial Conference, accordingly, is of the opinion that in the interests of the solidarity of the British Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognized. The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances in a great part of the Union. The representatives of India, while expressing their appreciation of the acceptance of the resolution recorded above, feel themselves bound to place on record their profound concern for the position of Indians in South Africa and their hope that by negotiation between the Governments of India and South Africa some way can be found as soon as may be to reach a more satisfactory position."

(g) *General Smuts concluded his speech at the Imperial Conference, 1923, as follows:—*

"There is one British citizenship over the whole Empire, and there should be. That is something solid and enduring, but we must not place a wrong interpretation upon it. We must not derive from the one British citizenship the rights of franchise, because that would be a profound mistake. The attitude has been that franchise does not depend upon British citizenship. The attitude has this position is not understood. Indians go to the length of deriving from their British citizenship the further notion of equal franchise rights also, and they claim they may go from India to any other part and enjoy the same franchise rights as other portions of the Empire. I think that is wrong, not only as regards India, but as regards every part of the Empire. I do not think that an Australian,

for instance, should come to South Africa and claim franchise there as a matter of course. He is a British subject and on that footing we are equal in the eye of law; but when it comes to the exercise of political franchise rights, I think there is a great difference and distinction and we should recognise that. And where a distinction is carried into actual practice, as it is in South Africa, it should not be looked upon as an indignity—as a reflection on the citizens of any Dominion including India who come to us and who do not get those rights. That is really all I wish to say about this matter.

“ I noticed in Dr. Sapru’s statement a remark, which almost looked like a threat—that if India fails in forcing on us the view which she holds so strongly, then she may be compelled to make of it a question of foreign policy. Well, I would say this, you cannot have it both ways. As long as it is a matter of what are the rights of a British subject it is not a matter of foreign policy. It is a matter entirely domestic to the British Empire. If it becomes a question of foreign policy, then Indians cannot claim on the ground of their British citizenship any more the recognition of any particular right. Once they appeal to a tribunal, whether it be the League of Nations, or whether it be outside the British Empire, they can no longer use as an argument the common British citizenship.

“ I want to keep it there. I want it to be recognized that you must not derive from that citizenship claims you cannot uphold. Let me just say this in regard to what fell from the Maharaja of Alwar. He said that if we do not invite him, he will invite himself.”

Maharaja of Alwar: “ I did not quite say that.”

General Smuts: “ Let me say this, Maharaja. Nobody would be more welcome in South Africa than you; and I would welcome nothing more than that you should come, as a great representative of India, to look into the conditions in South Africa yourself, convince yourself of the situation there, and convince yourself also that apart from the far-reaching political difficulties we have, our fundamental attitude towards our Indian fellow citizens is one of justice and fairplay. I do not think our Indian fellow subjects in South Africa can complain of injustice. It is just the opposite. They have prospered exceedingly in South Africa. People who have come there as coolies, people who have come there as members of the depressed classes in India, have prospered. Their children have been to school. They have been educated and their children and grand-children to-day are many of them men of great wealth.

“ I noticed the other day the Rev. C. F. Andrews, who is a great friend of the Indian cause in South Africa, publicly advised the Indians in South Africa not to go back to India. The Government of South Africa actually pays for their tickets, give them pocket-money and other inducements in order voluntarily to return to India, and thousands avail themselves of that policy and return to India. That gentleman, who is a great protagonist of the Indian cause, has publicly advised Indians not to fall in with that policy. He says: ‘ You will be worse off in India.’ I quote this to show that there is no unfairness, no injustice to our fellow citizens in India; but when they come forward and make claims which politically we cannot possibly recognise, our attitude of friendliness will worsen and the position as regards them will become very difficult and complicated.”

Maharaja of Alwar.—“ I should like to get my mind a little more clear on one point, and that is with regard to the settlers in Natal who have built their houses, invested their money and spent their lives there. What would you propose about them? ”

General Smuts: “ They have all the rights, barring the rights of voting for Parliament and the Provincial Councils, that any white citizen in South Africa has. Our law draws no distinction whatever. It is only political rights that are in question. There, as I explained to you, we are up against a stone wall and we cannot get over it.”

(h) *Sir Tejbahadur Sapru replied as follows:—*

“ There is an essential confusion in the position which General Smuts takes. Really the fact of the matter is this: you cannot, according to the modern law of citizenship, and according to the latest development of thought on this subject, have two kinds of citizenship in the same Empire, a higher and a lower. When I go to your country and satisfy the requirements of the law of franchise, you have no right to tell me that because I am an Indian subject of His Majesty I shall not be entitled to exercise my Parliamentary rights. Therein lies the whole position General Smuts has taken.

“And with regard to the disability of the Indians in the purchase of town lands and in respect of trade licences and other things, General Smuts, as I said before, had not a word to say in his speech this morning. Therefore the position remains this: that while I receive support, substantial and general, from His Majesty’s Government and all the Dominion Prime Ministers, I have received no support from General Smuts. On the contrary, he has expressed the desire that the resolution of 1921 should be repealed. I hope for the reputation of this Conference, for the reputation of the Dominion Prime Ministers, and for the reputation of His Majesty’s Government, nothing of the kind will be done; and though you may tell my countrymen that the problem is undoubtedly a difficult one I request you also to say you are trying to discover means of solving it. If you do that, you will change our attitude with regard to the great Imperial questions.

“There is only one more remark I will make with regard to General Smuts’ speech. He referred to the desire for repatriation and the advice of the Rev. C. F. Andrews. Let me tell you that if any one understands Mr. Andrews, or knows him intimately, I do. There are hundreds and thousands of my countrymen in South Africa who cannot even speak their mother tongue. They have settled there. Their fathers have settled there; and it is very easy to understand how difficult they will find it to leave a land in which they and their fathers and grandfathers have lived. It is for those reasons Mr. Andrews advised, and it is for those reasons I should advise them, not to leave that country, but fight their battles until their position was recognised some day or other as that of equal citizens.\*

“General Smuts said that as a British subject I could not claim that this problem would pass from the stage of a domestic problem to that of a foreign problem. He misunderstood me. It is not difficult to foresee the stage being reached when even the Government of India—whom he has attacked over its attitude in regard to Kenya, but I must admire for the very same attitude,—may find it necessary to appeal to His Majesty’s Government and say that one part of the Empire is standing against the other, and it is for you and His Majesty’s Government now to treat this problem, inside your own Commonwealth, as you would deal with a problem of foreign policy. That is what I meant, and I anticipate a stage like that being reached at no distant date in so far as the relations of India with South Africa are concerned.”

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\* This was not the true reason. I publicly advised the Natal Indians, in 1920, not to go back under the voluntary repatriation scheme, because the Union Government had transgressed the voluntary character of the scheme and had sent Mr. Wynne Cole *recruiting* Indians to return, and had issued leaflets in the Indian vernaculars giving what I knew to be an untrue representation of Indian labour conditions.—C.F.A.

## APPENDIX D.

## STATEMENTS CONCERNING NATAL AND INDIAN IMMIGRATION.

*Proclamation issued, in 1843, by Her Majesty's Government.*

“ There shall not be in the eye of the law any distinction or disqualification whatever founded upon mere distinction of colour, origin, language, or creed, but the protection of the law, in letter and in substance, shall be extended impartially to all alike.”

*Address of the Durban Corporation to the Government, 1859.*

“ 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 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.”

*Section 51, Law 2, of 1870.*

“ 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 such immigrant out of the Crown lands of the Colony a piece or parcel of land equal in value at the upset price of the Crown Land to the amount of the cost of such return passage, such immigrant shall have the same in lieu of his right to a full passage.”

*Report of the Indian Commission in Natal, 1886.*

“ Free Indians thrive in Natal; their industrious habits cause them to prosper in nearly every occupation in which they engage. They show commendable industry in fishing and fish curing; the Indian Fishing settlement on Salisbury Island in Durban Bay has been of manifest advantage, not only to the Indian but to the white inhabitants of the Colony.

“ They do remarkably well as cultivators, in the coast districts, of small parcels of land rented on short leases. In such agricultural pursuits, they have competed with their former masters, and the quantity of maize grown by them has been no unimportant factor in lowering for some years the market price of that cereal. In numerous localities in the uplands as well as in the coast districts they have converted waste and unproductive land into well kept gardens, planted with vegetables, tobacco, maize and fruit trees. Those settled in the vicinity of Durban and Pietermaritzburg have succeeded in winning for themselves almost entirely the supplying of the local market with vegetables . . .

“ In fairness to the free Indian, we must observe that the competition is legitimate in its nature, and it certainly has been welcomed by the general community.

“ There can be no doubt that Natal is admirably suited whether as a temporary or a permanent home to Indian immigrants.

“ 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 of the Colony.”

*Statement of Mr. J. R. Saunders, one of the members of the Commission.*

“ If we look back to 1859, we shall find that the assured promise of Indian labour resulted in an immediate rise of revenue, which increased fourfold within a few years. Mechanics who could not get away, and were earning 5s. a day and less, found their wages more than doubled, and progress gave encouragement to every one from the Berg to the sea. But a few years later, alarm arose that it would be suspended. Simultaneously, down went revenue and wages. Immigration was checked, and retrenchment and reduction of salaries were the main thing thought of. And yet another change came some years later in 1873. A fresh promise of renewed Indian Immigration created its effect, and up again went the revenue, wages and salaries, and retrenchment was soon spoken of as a thing of the past.”

*Evidence of Sir Henry Binns before the Commission.*

“ In my own opinion, the free Indian population is a most useful section of the community. A large proportion of them—considerably larger than is generally supposed—are in service in the Colony, particularly employed as house-servants in the towns and villages. They are also considerable producers, and from information, which I have taken some trouble to gather, I conclude that the free Indians have grown about one hundred thousand muids of maize per annum for the last two or three years, besides considerable quantities of tobacco and other articles. Before there was a free Indian population, the towns of Pietermaritzburg and Durban had no supply of fruit, vegetables and fish; at present all these things are fully supplied. We have never had any immigrants from Europe who have shown any inclination to become market gardeners and fishermen; and I am of opinion, that but for the free Indian population, the markets of Pietermaritzburg and Durban would be as badly supplied now as they were ten years ago. Were coolie immigration to be permanently stopped . . . in a very short time, after such stoppage, there would cease to be as much employment for Europeans as there is now. Tropical cultivation never has been and never will be carried on without Indian labourers.”

*Evidence of Sir J. L. Huellet before the Commission.*

“ I consider that the free Indians, at present in the Colony, are an immense benefit, being largely engaged in agricultural pursuits. I do not think that the competition of the free Indian has interfered in the slightest degree with the development of the country by European settlers.”

*Mr. J. Chamberlain's letter to the Prime Minister of Natal, 1894.*

“ Electors of important constituencies in Great Britain have considered Indian Gentlemen worthy not merely to exercise the franchise, but to represent them in the House of Commons. I desire, however to guard myself from the supposition that I regard this question merely from the point of view afforded by the experience of this country, and that I have not paid due regard to local considerations. It is manifestly the desire and intention of your Government that the destinies of the Colony of Natal shall continue to be shaped by the Anglo-Saxon race, and that the possibility of any preponderant influx of the Asiatic voters should be averted . . . But the Bill under consideration involves in a common disability all Natives of India without exception, and provides no machinery by which an Indian can free himself from this disability, whatever his intelligence, his education, or his state in the country; and to assent to this measure would be to put an affront on the people of India such as no British Parliament could be a party to.”

*Sir John Robinson's speech introducing the new Franchise Bill, 1896.*

“ I said in the course of my remarks, in connection with the second reading of the original Bill, that our object was to save the Electorate from being swamped by men who had had no experience in connection with the exercise of privileges of freedom or franchise . . . This Bill will disqualify all persons who are precluded by virtue of their inexperience

from the exercise of the high privileges of citizenship. . . . This Bill is the result of negotiations carried out in perfect good faith with Her Majesty's Government, and, any departure from the terms thereof would be as far as the Government are concerned be an act of bad faith. I want honourable members to bear in mind that this Bill is in the nature of an agreement which has been entered into between the Home Government on the one part and this Government on the other part. As far as we are concerned, we have done our best in the course of this agreement which have involved considerable negotiations extending over a period of at least one and half years. We have done our best in the agreement to provide that the wishes of this Colony, and the interest and necessities of this Colony, as regards this question, shall be fully and completely met. As far as the Home Government are concerned they undoubtedly have done their best to meet our wishes in every respect in so far as the political difficulties they have to deal with will allow."

*Speech of Mr. Harry Escombe, Attorney-General, 1896.*

"And here we say, while it is absolutely wrong and it would be wickered were we to allow the Indian vote to become paramount in this Colony. . . . I believe it is equally wrong that where these highly educated Indians come to this Colony—men educated at the Universities; men for all we know practising at the Indian Bar, or perhaps lately having a seat in the House of Commons representing one of the largest London constituencies, I say, if gentlemen of Indian extraction, having social standing and advantages such as that, are not to have a means whereby they can obtain an entry to the franchise, the thing is wrong in principle, and we cannot justify the exclusion."

*The Secretary of State for India's Despatch, 21st July, 1897.*

"We regret the necessity for restrictions which exclude the British Indian subjects from South Africa, but accept the prohibition of further immigration in order to secure the fair treatment of those who are lawfully settled there. We therefore are entitled to demand fair and equitable treatment involving complete equality before the law for those Indians who have already been allowed to settle in Natal, or who might hereafter under the new Immigration law be permitted to do so."

*Government of India Despatch, 14th May, 1903.*

"We are constrained to recognise the fact that if emigration is to continue, and if reasonable treatment is to be secured for Indian settlers in Natal, measures must be taken to prevent the rapid increase in the number of settlers which has been so marked in recent years. We realise that if those numbers should continue to increase greatly, the Colonial Anti-Indian feeling would become intensified and would be more difficult to control, especially in the towns. The irritation excited against the Indian might take shape in measures and actions which would increase ill-feeling and resentment in India and might even become a source of embarrassment to the Imperial Government."

*Lord Curzon's Despatch, 1904.*

"He (Lord Milner) regards it as deeply to be deplored that the Government of India should refuse to permit its subjects of the labouring class to come to this country. The fact is that we are not in the least anxious for Indians to go to the Transvaal at all. The relief thereby given to our Indian problem is infinitesimal, and we only lay up for ourselves a crop of trouble in the future. Outside the Government of India itself, where the Imperial sentiment is strong, I know of no class, community or individual in India, who wants the Indian to have anything to do with the Transvaal. The bitter example of Natal is before them."

*Letter of the Colonial Secretary, January 5, 1906.*

"I am to state that it appears to Lord Elgin (then Colonial Secretary) that in order to secure the fair treatment of the Indians now in the Colony. Lord Selborne (then Governor of the Transvaal) suggests that His Majesty's Government should be prepared to approve Legislation having the practical effect of excluding Asiatics from entering the Transvaal in future. Lord Elgin regards this as the only possible course to adopt in the circumstances."

*Letter of Secretary of State for India in reply.*

"The Secretary of State for India-in-Council, while regretting the necessity for a step which entails the practical exclusion of Natives of India from a British Colony, agrees with Lord Elgin that the compromise proposed by Lord Selborne is likely to afford the only practicable solution of this difficult question."

*From Report of Commission of 1907.*

"Absolute and conclusive evidence has been put before the Commission that several industries owe their existence and present condition entirely to indentured Indian labour. 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 the people in the Colony and to the Colony as a whole, and their exhaustion or restriction, by whatever cause brought about, would be serious and irreparable to the individual and general interests.

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

"The Indians are industrious, law-abiding, and, on the whole, sober in their habits, and it has been proved that their presence has had no injurious effect on the morals of the whites or Natives."

*Mr. (afterwards Sir Benjamin) Robertson's letter, December 18th, 1908, announcing the prohibition (on the part of India) of indentured labour to Natal.*

"It is more particularly in view of the continued failure to secure the necessary Amendment of the Dealer's Licences Act that the question of prohibiting emigration to Natal has again been raised. After giving their best consideration to all the issues involved, the Government of India have formed the conclusion that emigration to Natal should be stopped. So long as Natal maintains her present attitude they consider that they would not be justified in permitting the continuance of a system which must have the effect of increasing the number of Indians who may be ultimately affected by the measures adopted by the Colony. With a constantly increasing free Indian population, the divergence between the Indians' and Colonists' standpoints will necessarily be multiplied and the difficulties which have to be faced in securing fair treatment will be similarly aggravated."

On the earnest representation of the Natal Government the Secretary of State for India agreed to permit the emigration of indentured Indians for a period not exceeding one year, on condition that a law was enacted allowing the right of Appeal to Supreme Court against a refusal to renew a dealer's licence.

*Secretary of State's letter December 2nd, 1908.*

"I am to say that the Government of Natal have passed an Act amending the Dealer's Licences Act so as to give the right of Appeal to the Supreme Court against the withdrawal of licenses. The Secretary of State gives an assurance that the immigration of indentured Indians will not be stopped until the Union Government has come into existence and decided on its future policy in the matter. It is understood that the duration of the period will not exceed one year from the present date."

The Government of India finally prohibited the emigration of indentured labour from India to Natal on 1st July, 1911.

*From Report of the Economic Commission, 1914.*

“ The Indian population of the Union, located for the most part in Natal, may be divided into those brought there under indenture and those who followed them on their own initiative and at their own expense. Of the latter, in the main a trading class, many opened stores at first for the supply of Indian and Native requirements; few have been drawn into industrial pursuits. It is chiefly the ex-indentured Indians who are noticeable in manufacture. The indentured Indian of the early days, when his term of service expired, often took up land and grew vegetables, mealies and tobacco. To a certain extent he re-indentured or took service with Europeans, but of late years he has increasingly entered the semi-skilled and skilled trades. To-day he is engaged in the building trades, printing, boot repairing, tailoring, painting, mattress-making and other miscellaneous callings of the semi-skilled trades. Many so engaged are Natal-born Indians, and numbers who speak English are employed as cooks, waiters, drivers, vaumen, and in lawyers' offices as junior clerks and touts. The Natal-born Indian is a problem in himself; he is often fairly educated and in many cases owes his education to self-sacrifice of the lowly indentured parents. His education does not, however, link on to manual labour as a rule and he looks to less strenuous and more highly paid callings. Here he finds the way largely blocked, and naturally becomes dissatisfied. The majority who follow field work, either as re-indentured or free Indians, or who work in the coal mines, brickfields, and so forth, do not receive much more than able-bodied natives. In other callings, their earnings are much below those of whites.

“ In the skilled trades, the efficiency of Indians is distinctly beneath that of white men, and there is no doubt as to the extent to which they undertake work for white people. So far as they labour for their own people, objection to their advancement is not even plausible. That they perform tasks of a not very expert kind in painting, carpentering, bricklaying, and so forth, to the direct order of white consumers is beyond dispute; but it would be impossible to determine the extent of the work in question, and how far the skilled white man is affected by it. Much of the work is evidently that of the handyman rather than of the expert artizan. Again, there was conflict of testimony as to the amount of skilled work performed by Indians indirectly for white consumers. Skilled Indians work for shops kept by Indians; but the degree of recourse to these shops by whites, it is hopeless to attempt to measure. It was alleged further that work, such as the making up of clothes, was put out by white shopkeepers to Indian skilled workers; but certain Indian witnesses examined by your Commissioners declared that the bulk, at any rate, of the work was done for Indian shops to the best of their knowledge.

“ Again the extent of the trade done among other than Indian manufacturers employing Indians only, is unknown; but it seems likely that in cheap tinware, especially for Natives, it is relatively considerable. It may be avowed that skilled Indians either bring their knowledge from India or pick it up through being employed for rough work where skilled whites pursue their avocations. Your Commissioners failed to discover evidence proving that skilled labour has suffered seriously from the competition of Indians.

“ Your Commissioners desire to call attention to certain Municipal actions with reference to Indians, including those born in Natal, the aim of which is to protect white employment. Some years ago Indians began to show enterprise in small shop-keeping and simple manufacturing on an insignificant scale; and recently, in consequence, new licenses to trade or manufacture for sale have been generally, if not invariably, refused to Asiatics in Natal, though old licenses have been renewed. In the Cape also, similar action, though possibly not stringent action, has been taken. Your Commissioners are convinced that the drastic course adopted in Natal was harsh and imprudent. Indians have been left under the impression that they are to be definitely debarred in the future from sharing in the licensed trades merely on the ground of their nationality. How much unrest and anxiety has been occasioned by the unnatural system of importing Asiatics on contract is too obvious to need more than a bare statement.

“ Reviewing the whole situation as regards the competition of white and non-white in the skilled and semi-skilled callings, your Commissioners conclude as follows:—

“ The competition is greatest with the Cape Coloured, and next in magnitude with the Indians. None of the evidence proved that the sphere of white labour

was being absolutely restricted in the Union, and the wages of the whites had fallen. It is a plausible view that some of the so-called encroachments of the non-whites should properly be regarded as a filling of the gaps left by the attraction of the whites to superior situations, which could not have existed in the absence of competent people to fill the lower positions. Several witnesses affirmed that there was a dearth of capable white labour, and that a good man soon found a better opening for his talents. The complaints of grinding competition can be understood, since anybody who experiences competition feels it, even if his rivals are losing ground. But here and there white labour may have been displaced, and a constant fear of displacement is prevalent, which is comprehensible, particularly as the non-white workman usually gets a lower wage. The low wage of the non-white, combined with the fact that he readily drops his supply price when demand slackens, is apt to cause a substitution of non-white for white labour when business is depressed. Finally your Commissioners conclude, that in initiative, resource, and powers of control, the white races unquestionably stand pre-eminent. It is important that the rising generation of the whites should fit themselves to fill supervisory and highly skilled positions, so that such competition as may be felt in the future may force them upwards rather than downwards. The state and local authorities can assist movement in the right direction by providing educational facilities with reference to industrial needs. Success cannot be achieved by the white man in South Africa by keeping the Coloured man down, but by raising himself up."

[Most of the above statements are taken with acknowledgment from M. P. Subramania Aiyar's book, "The Indian Problem in South Africa."]

## APPENDIX E.

## THE GOVERNMENT OF INDIA'S POSITION.

*(i) Sir Benjamin Robertson's Statement before the Lange Commission.*

The Government of India have thus agreed that further immigration of Indians into the Union should be prohibited. They themselves stopped indentured emigration to Natal, and they refused to allow indentured emigration to the Transvaal. They accepted the various Immigration Restriction Acts passed by the Colonies before Union. They accepted the Union Immigrants Regulation Act of 1913. They accepted the Resolution of the Imperial Conference of 1918 that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities. They have gone further than this, for they have acquiesced in the extension of the principle of the Resolution to the different Provinces of the Union; and they do not ask for any relaxation of the laws regulating inter-provincial emigration until the Provinces themselves are satisfied that such relaxation will not be harmful.

On their side, Governments in South Africa have, from time to time, given undertakings and assurances that Indians who are lawfully settled in the country, will be fairly treated, and their existing rights safeguarded. The assurances given by General Smuts in 1917 and by Mr. Burton in 1918 have already been quoted. Previous undertakings in regard to particular laws are summarised below. In addition, there was the so-called Smuts-Gandhi Agreement of 1914, to which the Government of India were not a party, but were, in a sense, a witness. Recently there appears to have been a tendency to narrow unduly the application of this agreement; and in the Transvaal it seems to have been construed as an undertaking by the Indians there that they would apply for no new trading licences. The correct interpretation of the agreement in regard to trading in the Transvaal is examined in more detail later on. It is desired to emphasise here that the agreement is of general application to the whole of the Union. As reported to the Government of India, it is embodied in two letters, both dated the 30th June, 1914, exchanged between Mr. Gorges, then Secretary to the Department of the Interior, and Mr. Gandhi. The Union Government undertook to give relief on the points in issue in the passive resistance movement, and in consideration of this undertaking passive resistance was ended. One of the points in issue, as stated by Mr. Gandhi in his letter dated the 21st January, 1914, to the Minister of the Interior, was "an assurance that existing laws especially affecting Indians will be administered justly and with due regard to vested rights." The required assurance was given by Mr. Gorges in his letter, dated the 30th June, 1914, in the following terms:—

"With regard to the administration of existing laws, the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner and with due regard to vested rights."

The Government of India interpret this undertaking as implying that no new law would be passed imposing fresh restrictions on Indians. An undertaking to administer existing laws in a just manner appears to them to be meaningless, if the rights which Indians are entitled to exercise under those laws can be restricted at will by fresh legislation. The writer of a South African article in the March number of the "Round Table" has stated that this was generally admitted in South Africa at the time. "It would probably be fair to say," he writes, "that all reasonable men in South Africa at that time recognised that new difficulties would arise and would have to be met; and that in meeting them they would be bound by no obligation except that of at least maintaining the Indian in the status which he acquired in 1914."

In addition to the general undertakings applicable to the Union as a whole, special obligations have been incurred by particular Provinces. The memorandum which has been placed before the Commission by the Natal South Coast Indians

is a clear and cogent statement of the peculiar claims of the indentured Indians and their descendants in Natal. It will be admitted that it would be inequitable to deprive them or their descendants of rights which were open to them at the time of their introduction into the Colony, and were, in effect, conditions of their recruitment.

Again, as has already been stated in paragraph 5, the Natal Act No. 22 of 1909, providing for an appeal to the Supreme Court against refusal to renew a dealer's licence, was the condition on which indentured emigration was permitted for another year. Natal has received full consideration for this Act, and is not now free to repeal it.

(ii) *Speech of Lord Reading, Viceroy of India, December 26th, 1925.*

Let me assure you that I have watched the position of Indians in South Africa with anxiety and sympathy for some years past and have taken all measures, as opportunity offered from time to time, which appeared calculated to ameliorate their condition. I am deeply grieved at the present situation. It is natural that you should seek to ascertain at first hand in India the feelings of the people and Government of India on these questions and to fortify your cause with what you will undoubtedly carry away with you the warm sympathy of the people and Government of India. Great indignation has been felt and expressed in India and public opinion has been deeply pained by the status which the projected legislation in South Africa proposes to assign to Indians. It has been observed with apprehension that in introducing the Bill, Indians have been described as an alien element in the population of the Dominion and intentions have been expressed of solving the problem by securing a very considerable reduction in the Indian population of the Union.

I fully understand the depth of the feelings by which your community and Indian opinion generally is exercised: I do not underrate the strength of the apprehensions you entertain. Nevertheless, whilst it is natural that you should present your cause with considerable vigour it must be remembered that the issue is now in South Africa. South Africa is a Dominion. Its Parliament has full power to pass legislation regarding its internal affairs. Feeling in South Africa is naturally sensitive to interference from outside in those affairs. I have never in my experience known a good case to suffer by sober presentment.

I and my Government emphatically hold that we have a right to make representations regarding measures prejudicial to Indians domiciled in South Africa. It is a duty from which we shall never shrink; and we claim that our views should be heard and considered. We have reason to know that our right to make representations and be heard is not disputed by the Union Government. Indeed I gratefully acknowledge that they have on various occasions given effect to our suggestions. At the same time we recognise that the position of that Government must be respected and that no claim can be sustained by us of a right to interfere in their domestic affairs. Should the Union Government be unable in the end to accede to our request, we reserve to ourselves freedom to take such action as may seem desirable in the circumstances of the case. We have always kept His Majesty's Government fully informed through the Secretary of State for India of the strength of feeling in India on the question of Asiatic legislation in the Union and of our own views on these questions.

I cannot consider the prospects hopeless. I believe that the Union Government will give careful consideration to our views, based as they are on facts and equitable considerations. It is evident that in the absence of Indian franchise, the Union Government recognise that they have a special responsibility for Indians in South Africa. The present Union Government have not yet carried any anti-Asiatic legislation. The Colour Bar Bill was rejected by the Senate. The fate of the present bill is still undecided. . . . Let me assure you that whatever differences may exist in India on other political questions, there is unanimity of opinion regarding the position of Indians in South Africa. I and my Government believe that any representations that may be made and any action that may be taken in the interests of India and the Empire on behalf of the Indians in South Africa will have the whole-hearted support of the people. No course which can legitimately and constitutionally be taken will be left unexplored and all reasonable measures calculated to ameliorate the situation will be taken.

## APPENDIX F.

## MR. GANDHI'S LETTER OF JULY 7TH, 1914.

Phœnix, Natal,  
7th July, 1914.

“ Dear Mr. Gorges,

“ I have now got a moment to submit my note on the Gold Law. As you know, after mature consideration, I refrained from pressing for the insertion of a special clause defining ‘ vested rights ’ in connection with the Gold Law and Townships Amendment Act, because I felt that any definition in the correspondence might result in restricting the future action of my countrymen. However, so far as my interpretation of ‘ vested rights ’ is concerned, I think that I should reduce it to writing. General Smuts was good enough to say that he would endeavour to protect vested rights as defined by me. The following is the definition I submitted to Sir Benjamin Robertson, who, I understand, submitted it to General Smuts. My letter to Sir Benjamin containing, among other matters, the definition is dated the 4th March, 1914: ‘ By vested rights I understand the right of an Indian and his successors to live and trade in the townships in which he was living and trading no matter how often he shifts his residence or business from place to place in the same township.’ I am fortified in my interpretation by the answer given by Mr. Harcourt in connection with the matter, in the House of Commons, on the 27th June, 1911:—

‘ Complaints against that legislation (the Gold Law and Townships Amendment Act) have been made and are now being investigated by the Government of the Union of South Africa, who have lately stated that there is no intention of interfering with any business or right to carry on business acquired and exercised by Indians prior to the date of the legislation.’

“ I have also traced the note by Mr. de Villiers which I alluded to in our conversation. It is contained in a White Paper published in London in March, 1912, and has the following:—

‘ No right or privilege which a coloured person has at the present time is taken away by the new Act (Act 35 of 1908).’

“ And again—

‘ Section 131, which, before the Bill was introduced into Parliament, formed the subject of questions in the English House of Commons and of despatches from the Secretary of State to the Governor, has been amended in Committee so as to safeguard any rights which a coloured person may, at the present time, have of occupying land in mining areas.’

“ Certainly, prior to the passing of the Gold Law, no restrictions were, to my knowledge, placed upon the movement or the trade of British Indians in the gold areas. There can, therefore, be no justification for any restriction now, especially in regard to those who are already settled in their respective townships.”

“ I am, etc.,

“ (Sgd.) M. K. GANDHI.”

The meaning of this letter has been disputed. Some have made it actually a part of the Smuts-Gandhi Agreement, though it was clearly, from its contents, a note written a week after the agreement was signed. It has also been taken to define the full extent of vested rights about which an assurance was given in the Agreement instead of merely referring to the vested rights in connexion with the Gold Law and Townships Amendment Act. Below will be found some of the principal statements bearing on the subject.

*Sir Benjamin Robertson, who is referred to in Mr. Gandhi's letter, has recorded before the Lange Commission what he regarded as the meaning of this disputed letter as follows:—*

“ § 54. Mr. Gandhi's letter dated the 7th July, 1914, relates only to a side-issue in the settlement of 1914. As is clear from the opening sentences of Mr. Gandhi's letter, his definition of 'vested rights' referred to such rights *only in connection with the Gold Law and Townships Amendment Act*. The Smuts-Gandhi agreement, as reported to the Government of India, consists of the two letters of the 30th June, 1914; and the letter of the 7th July was not made known to them until it was published in the report of the Select Committee of 1919. Its meaning, however, seems clear enough.

“ The amendment of the Gold Law and the Townships Amendment Act was not an issue in the passive resistance movement. They fell within the category of existing laws which the Union Government undertook to administer 'in a just manner and with due regard to vested rights.' General Smuts promised that he would endeavour to protect vested rights as defined by Mr. Gandhi. Mr. Gandhi accordingly submitted the following definition *in connection with these two particular laws* in his letter of the 7th July:—

' By vested rights I understand the right of an Indian and his successor ' to live and trade in the township in which he was living and trading, no ' matter how often he shifts his residence or business from place to place in ' the same township.'

“ The Government of India understand this to mean that any such trader who might be occupying land in contravention of the Gold Law or the Townships Amendment Act, would not be evicted. Section 1 of Act No. 37 of 1919 gives legal validity to General Smuts' promise, and by extending the period until the 1st July, 1919, more than fulfils the undertaking which was given in 1914.”

*Mr. Gandhi's statement about his own letter is as follows:—*

“ But there is a third letter, totally irrelevant, considered as part of the agreement, which has been used for the curtailment of trade rights. It is my letter of 7th July addressed to Mr. Gorges. The whole tone of it shows that it is purely a personal letter setting forth only my individual views about 'vested rights' in connection with the Gold Law and Townships Amendment Act.”

*Mr. Polak, who was left behind after the Agreement as Mr. Gandhi's successor, in order to clear up any minor points at issue, has cabled from London as follows:—*

“ Mr. Gandhi's letter of June 30th, 1914, referred to all existing laws throughout the Union. This alone formed part of the Settlement. Mr. Gandhi's letter of July 7th was private, unofficial, written after the Settlement and not binding on anyone. He confined his views in it, meaning his expression of opinion to be applied to Gold Law and Township Amendment Act. See Sir Benjamin Robertson's statement before Lange Commission, § 54.” (Quoted above.)

*The indirect evidence of Sir William Solomon's Commission may be quoted as follows (p. 32):—*

“ We have now reached the fifth and last of the alleged grievances which have been formulated by Mr. Gandhi in his letter to the Minister on January 21st, 1914, in which he requires 'an assurance that the existing laws specially affecting Indians will be administered justly and with due regard to vested rights.' The representations which have been made to us on this subject deal mainly with the Immigration and Licensing Acts.”

It would appear from the above that there was no idea in the minds of Sir William Solomon's Commission that the phrase "vested rights" had to be confined to the Gold Law and Townships Amendment Act of the Transvaal.

Two public bodies dealt with the same subject in the South African Union in the years 1919 and 1921, respectively.

(i) *A Select Committee on Disabilities of British Indians in Transvaal under the Chairmanship of Mr. Edward Rooth reported on 30th April, 1919 as follows:—*

“ It appears that an agreement was arrived at in June, 1914, with regard to Indian traders in the Transvaal between General Smuts as representing the Government of the Union and Mr. Gandhi as representing the Indian Community that vested rights acquired by Indians would be respected, such vested rights being the right of an Indian and his successors to live and trade and to shift his residence or business from place to place in the same township.”

It should be noted that the Select Committee was only dealing with certain “ Disabilities of British Indians in the Transvaal.” It appears, therefore, to confine itself to that part of the Smuts-Gandhi Agreement of 1914, which had reference to the Transvaal, and rightly to give no opinion in its own Report with regard to the Agreement as a whole. The Agreement itself, which contained the assurance of “ due regard to vested rights,” was an Agreement relating to the whole South African Union.

(ii) *The Lange Commission of March, 1921, has the following reference:—*

“ § 83. It was further pointed out by Indian witnesses as well as by the Representative of the Government of India that when defining ‘ vested rights ’ in his letter of the 7th July, 1914, Mr. Gandhi was referring to rights in connection with the Gold Law and Townships Amendment Act only. The Amendment of these two Acts was not in issue in the passive resistance movement; and they were regarded as falling within the category of existing laws which General Smuts undertook to administer ‘ in a just manner and with due regard to vested rights.’ ”

Other references appear only to deal with the letter in connexion with the Gold Law and Townships Amendment Act, to which it rightly applies.

The Lange Commission rules out this letter of July 7th as in any way being an actual part of the Agreement. It states, §74:—

“ That Agreement is embodied in two letters which passed between Mr. Gorges, Secretary for the Interior and Mr. Gandhi on June 30th, 1914.”

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**STATEMENT** presented by the Government of India  
Deputation to the Select Committee of the Union  
House of Assembly on the Areas Reservation and  
Immigration and Registration (Further Provision) Bill.

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STATEMENT PRESENTED BY THE GOVERNMENT OF INDIA  
DEPUTATION TO THE SELECT COMMITTEE OF THE UNION  
HOUSE OF ASSEMBLY ON THE AREAS RESERVATION AND  
IMMIGRATION AND REGISTRATION (FURTHER PROVISION)  
BILL.

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The circumstances in which we, the Deputation of the Government of India, have been authorized to give evidence before your Committee are set forth in the correspondence between the Government of India and the Union Government, which was laid on the Table of the House of Assembly by the Honourable the Minister of the Interior on the 17th February. We understand that the procedure of referring a Bill to a Select Committee of the House before second reading is unusual, and has been adopted in the case of the Areas Reservation and Immigration and Registration (Further Provision) Bill to "widen the scope of evidence so as to include the principles of the measure." These principles, as we hope to show, have stirred Indian sentiment everywhere to its utmost depths, and vitally affect the contentment and well-being of the Indian community in South Africa. The exceptional procedure of which the Select Committee is the outcome was, we assume, approved by the Government and Parliament of the Union in appreciation of this aspect of the situation. We also feel sure that this step was taken in consequence of an earnest desire on the part of the Government and Parliament of this country to ensure that the proposed legislation should not be placed on the Statute Book without the fullest investigation of its necessity and its implications. We therefore appear before the Committee in the hope that they will give the most earnest and impartial consideration to our representations.

2. In paragraph 3 of their telegram to His Excellency the Governor-General of South Africa, dated the 9th February, 1926, the Government of India intimated that their objections to the Areas Reservation and Immigration and Registration (Further Provision) Bill were fundamental, and that we, their Deputation, would be permitted to present the Indian case against it only in respect of general principles. In the following paragraphs, therefore, we have endeavoured to set forth the objections to the measure in the light of broad considerations of imperial solidarity and obligations and of elementary justice. We have made no attempt to discuss the details of the Bill, since our opposition to its basic principles is radical, and it follows that our objection to the main provisions is no less profound.

3. Our observations, however, are based not only on considerations of equity and imperial exigency, but also on our study in the Union of the "general position and economic condition" of the Indian community in South Africa. That study, though short, has been intensive. It included an inquiry into local conditions at Durban and its suburbs, Stanger, Verulam, Tongaat, Pietermaritzburg, Ladysmith, Dundee, Glencoe and Vryheid in Natal; at Johannesburg, Springs, Benoni, Boksburg, Vrededorp, Germiston, Potchefstroom and Pretoria in the Transvaal, and at Cape Town and its suburbs, Port Elizabeth, East London, and Kimberley, in the Province of the Cape of Good Hope. In the course of our investigations we ascertained the intensity of the Indian opposition to the Bill, and the reasons for that opposition. We also endeavoured to visualize the effect of the application to the Indian community of the principle of compulsory segregation for purposes of residence and trade; and to assess the extent and strength of the alleged prejudice against the Indian, and the reasons for that prejudice. Our conclusions, therefore, have been arrived at after careful consideration of the situation in the Union as it presented itself to us.

4. We shall first try to describe the historical and psychological background which is necessary for a correct understanding of the Indian attitude. Addressing the Imperial Conference in 1923, Lord Peel, then His Majesty's Secretary of State for India, said that the position of Indians in other parts of the Empire was "a matter of sentiment and feeling." The point requires some elucidation with reference to India's place in history and her present position in the Empire.

For racial pride and racial aspirations are the product of tradition. It would be impossible to appreciate fully and correctly the strength of Indian feeling throughout the world on the position of Indians in South Africa, without a brief retrospect of India's past, or reference to her present-day achievements and her legitimate expectations as an integral portion of the British Commonwealth. Since the days of Alexander, the march of events in the great sub-continent has found faithful chroniclers. Its history stretches into a remoter antiquity; but their records bear ample testimony to India's civil splendour and military renown. Before the Christian era Indian colonists penetrated into Java and portions of the Far East: the temples of Borobudur and Nakhon Vat still bear testimony to the impress of their genius on these countries. India gave birth to two of the world's greatest religions, Hinduism and Buddhism. Among her earliest rulers was Asoka, whose temporal power was greater than that of Charlemagne, and whose spiritual fervour firmly established Buddhism in China and Tibet. Among her earliest poets was Kalidasa, whose beautiful lyrical drama, "Sakuntala," won the spontaneous homage of Goethe. Schopenhauer eulogized one of her best-known systems of philosophy in the following words: "In the whole world there is no study so elevating as that of the Upanishads. It has been the solace of my life—it will be the solace of my death." The confluence of philosophic subtlety and mysticism characteristic of early mediæval Hindu society, with the artistic energy and political genius of her Muhammadan rulers, further enriched Indian civilization. Numerous travellers and ambassadors from Europe have written of the magnificence and organization of the most illustrious Mussulman dynasty that governed India. The fabled peacock throne is a memory of that magnificence; the Ani-i-Akbari an impartial witness to that organization. We shall not enlarge on either at too great length. We shall only mention the two most abiding monuments of Moghul influence: the magic mausoleum of the Taj Mahal at Agra, and the system of land revenue organization, which the British power in India has adopted. When dominion in India passed to the British Crown, the civilization of her people received recognition in the gracious declaration of Her Majesty Queen Victoria that neither their colour nor their creed shall be a bar to their advancement. That promise, which was reaffirmed by His late Majesty King Edward VII and His Majesty King George V, has already been fulfilled in a generous measure, for Indians have been promoted to the British Peerage and His Majesty's Privy Council, have been elected to the British House of Commons, and, with the exception of the Vice-Royalty, have held every high office in India. In the world of literature and science they have vindicated their ready adaptability by the completeness with which they have assimilated western culture. In literature and art, Tagore; in science, Roy, Bose and Raman; in oriental scholarship, Bhandarkar and Shibli; in mathematics, Ramanujan; in educational statesmanship, Sir Syed Ahmad; in politics, Gokhale have worthily upheld India's claim to be included in the world's intellectual aristocracy. In sport, which occupies so important a place in the life of western nations, the pre-eminence of an Indian, Prince Ranjitsinghi, is universally acknowledged. Her industrial advance has been no less remarkable. It is submitted, therefore, that by virtue of the antiquity and vitality of their civilization, Indians have established a strong claim to be treated as the equals of any race. Most civilized countries recognize this in their treatment of Indian nationals.

5. This claim is further strengthened by the position which India now occupies in the British Commonwealth as well as the comity of nations. In accordance with the declaration made on behalf of His Majesty's Government on the 20th August, 1917, a substantial measure of self-government was conferred on India in 1921. *Vis à vis* the other Dominions of the Empire, India has already acquired a status of equality. Since 1917 she has participated in every Imperial Conference on the same footing as the Dominions. Her representatives were admitted to the Imperial War Cabinet on terms of equality with those of the autonomous parts of the Empire. Her representatives, like those of the other Dominions, signed the treaties of peace concluded after the Great War. Like the other component States of the Empire, she is an original member of the League of Nations. At every international conference held since the conclusion of the Great War at which the British Empire has been represented by the spokesmen of Great Britain as well as the Dominions, a representative of India has been included in the Imperial delegation. We would refer to the conference on the Reduction of Armaments at Washington as the most notable example. And, in recognition of her position as one of the foremost industrial

nations of the world, she occupies a seat on the governing body of the International Labour Office.

6. Apart from her position in the family of nations, India has established a special claim for considerate and equal treatment from her sister nations within the British Commonwealth on account of the part which she has played in the Empire's development and defence. The following quotation from one of India's most brilliant Viceroy's, Lord Curzon, indicates the extent of her contribution to the Empire's defence and development. Addressing a distinguished gathering at the Mansion House, London, in 1904, his Lordship said:—

"If you want to rescue the white men's legations from massacre at Peking, and the matter is urgent, you request the Government of India to despatch an expedition, and they despatch it; if you are fighting the Mad Mullah in Somaliland, you soon discover that Indian troops and an Indian General are best qualified for the task, and you ask the Government of India to send them; if you desire to defend any of your extreme outposts or coaling stations of the Empire, Aden, Mauritius, Singapore, Hong-Kong, even Tien-tsin or Shan-hai-Kwan, it is to the Indian Army that you turn; if you want to build a railway to Uganda or in the Sudan, you apply for Indian labour. When the late Mr. Rhodes was engaged in developing your recent acquisition of Rhodesia, he came to me for assistance. It is with Indian coolie labour that you exploit the plantations equally of Demarara and Natal; with Indian-trained officers that you irrigate Egypt and dam the Nile; with Indian forest officers that you tap the resources of Central Africa and Siam; with Indian surveyors that you explore all the hidden places of the earth."

The prosperity of Malaya and British Guiana, of Ceylon and Fiji bears testimony to the patient industry and agricultural skill of her children. Of her part in the Great War we would let the tribute paid by General Smuts to her contributions to the Allied cause speak for itself. Replying to an address presented to him by the Indian community at Durban in 1919, he said:—

"I have been proud of the privilege of having had under me in East Africa so large a number of your countrymen. . . . Your countrymen fought not only in East Africa, but took part in other theatres of war. The conquering of the Turkish Army was in the main the work of the Indian Army. The burden of the work in Mesopotamia, Turkestan and the Indian Frontier fell almost entirely upon the Indian Army. . . . The stupendous part Indians have played in this great struggle had considerable effect on the result of the war."

We would only add to the theatres of war enumerated in this passage Gallipoli, Flanders and France. To help the Committee to appreciate the measure of this assistance, we would also point out that India's contribution in men was 1,302,000, and in treasure well over £200,000,000. In East Africa alone 34,000 Indian combatants and 12,500 non-combatants shared, along with South African troops, the heat and burden of the conflict.

7. In regard to the treatment of her nationals in Africa, it is submitted that India has special claims to considerate treatment which is normally her due as a valued member of the Commonwealth. Her intercourse with the Continent dates from prehistoric times. Her nationals have traded along the East Coast of Africa for centuries. Until the construction of the Suez Canal, the Cape of Good Hope was, in the phrase of the great Indian reformer, Raja Ram Mohan Roy, the half-way house between the East and the West. Indians have often shed their blood in defence of Imperial interests in Africa; the part played by Indian troops in defending the Suez Canal and in the conquest of German East Africa are the most recent examples of their devotion. By their labour and enterprise, Indians have contributed substantially to the prosperity of the various British possessions on this continent. It will be sufficient to tell the story of what Indian labour accomplished for Natal in the words of official commissions appointed at different periods by the Natal Government.

"Emigration from India to Natal commenced in 1860. . . . Immigration continued until 1866 and then totally ceased. From 1866 to 1874, when immigration recommenced, the native labour of the Colony proved more and more unreliable. In 1874 crops were rotting on the ground, and although planters and others competed in endeavouring to obtain assistance from the Chiefs, they could secure no labour at any price. . . . This was the culminating point to a long series of protests and complaints, and, in deference to the popular cry for the re-establishment of imported labour, the door was again opened to Indian immigration."

The effect of this, to quote the testimony of Mr. J. R. Saunders, who was one of the Members of the Wragg Commission, was that "up went the revenue, wages and salaries, and retrenchment was soon spoken of as a thing of the past." Speaking nearly 35 years afterwards before the Asiatic Inquiry Commission, Colonel Frank Addison, a planter of long experience, said:—

"The Indian has made Natal. Without the Indian on the coast you would not have had any sugar, tea or coffee plantations; coffee, of course, is now out of date, but the whole of the industry on the coast is due to the Indian."

Of the work of the ex-indentured Indians who settled on the land we can do no better than reproduce the verdict of the Wragg Commission:—

"They do remarkably well as cultivators, in the coast districts, of small parcels of land rented on short leases. In such agricultural pursuits they have competed with their former masters, and the quality of maize grown by them has been no unimportant factor in lowering, for some years, the market price of that cereal. In numerous localities, in the upland as well as in the coast districts, they have converted waste and unproductive land into well-kept gardens planted with vegetables, tobacco, maize and fruit trees. Those settled in the vicinity of Durban and Pietermaritzburg have succeeded in winning for themselves, almost entirely, the supplying of the local markets with vegetables."

In April, 1920, Mr. Leon Renaud, who has nearly 30 years' experience of Indians in Natal, made the following remarks on the same subject before the Lange Commission:—

"So far as agriculture is concerned, the Indian has fulfilled his duty to the country. They" (the Indians) "brought into cultivation and under production land which was otherwise idle. . . . So far as the coast-belt is concerned here," i.e., in Natal, "they have done the same thing as the peasants have done in France. . . . I know some parts of the land which at the present time have been reclaimed from nature, and which would never have been occupied by Europeans."

8. Of the Indian trader, commonly but erroneously described as "Arab"—in the course of our inquiry we did not come across a single non-Malaya Mohomaden merchant or trader who was not an Indian—whose alleged competition has for some time been the subject of special complaints, the following remarks made by the Wragg Commission may prove of interest to the Committee:—

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

In the course of his statement before the Asiatic Inquiry Commission (1920-21), Sir Benjamin Robertson said:—

"He" (the Indian trader) "has a peculiar economic value to the rural community which may be summed up from the evidence as follows:—

"(i) He plays an important part in the development of isolated districts by establishing small stores in places where the turnover is insufficient to support a European business.

(ii) "He is more considerate than his Jewish rival in his dealings with the farmers, gives longer credit in times of scarcity, and is content to regard trade as an end in itself, and not as a means of foreclosing on his customer's land.

"(iii) He studies the requirements of the native population more carefully than the white trader does."

From the evidence that we received we think that his utility would be willingly acknowledged by the large mass of dispassionate customers, both rural and urban, British and Dutch, to-day.

9. In the light of this short survey of Indian history and tradition, and of the part played by Indians in the development of South Africa, it will, perhaps, be admitted that the Indian's expectation of respect and of the same treatment as is accorded to other classes of his Majesty's subjects is rational and legitimate. Nevertheless, his actual status in South Africa to-day is, in many respects, inferior to that of the European subjects of His Majesty, and he is denied privileges which are extended to those who owe no allegiance to the King-Emperor—in

fact, even to ex-enemy subjects. Thus, except in the Cape Province, he is not in enjoyment of the political franchise. The municipal franchise for which, until recently, he was eligible in Natal was taken away from him by the Natal Boroughs Ordinance (No. 19 of 1924) and the Natal Township Franchise Ordinance (No. 3 of 1925). A series of resolutions and laws ending with the Asiatic (Land and Trading) Amendment Act (Act No. 37 of 1919) has completely prohibited the acquisition by him of immovable property in the Transvaal, except in such localities as Government may for sanitary reasons assign to him for purposes of residence. The Durban Borough Lands Alienation Ordinance (No. 14 of 1922) and the Natal Borough and Township Lands Ordinance (No. 5 of 1923) have had the effect of imposing a similar disability on the Indian in respect of purchasing or leasing land belonging to municipalities in Natal.

In the administration of the provincial licensing laws the Indian is treated with peculiar severity almost throughout the Union. In the Orange Free State he may not trade at all, and even in the Cape Province in some municipalities and for certain localities Indians find it difficult to obtain trading licences. As regards the province of Natal, the position is best described in the words used by the principal Licensing Officer of Durban, Colonel Molyneux, who, in giving evidence before the Asiatic Inquiry Commission, said:—

“We do what we can to restrict further Indian licences. A European licence is granted as a matter of course, whereas the Indian licence is refused as a matter of course, if it is a new one.”

This is typical of municipalities in that province. Durban and other municipalities in Natal have also used their licensing powers to confine Indians to special areas for purposes of trade. The municipality of Pietermaritzburg only last December made use of its authority under the Natal Township and Borough Lands Ordinance to eject a number of old-established Indian merchants from their premises, mainly because the locality adjoined the European trading areas. In the rural areas of the province the same restrictive policy is being pursued under the Natal Rural Dealer's Licensing Ordinance (No. 4 of 1923). In the Transvaal Indians cannot get licences to carry on trade “on any of the stands outside townships granted after the Gold Law of 1908 came into force,” or on “stands inside townships whether now held under the Gold Law title or under a title converted into freehold under the Townships Act No. 3 of 1908.” Elsewhere they are eligible for such licences. But their position has been rendered precarious by the new Transvaal General Dealer's (Control) Ordinance, which makes it obligatory for every applicant for a general dealer's licence to obtain a certificate of eligibility from the local authority if he wishes to carry on business under a municipality, or from a “board” if he wishes to trade within a “declared area.” Indians have no representation on municipalities; the elements that are opposed to them have, and can, therefore, influence municipal policy to their disadvantage. An instance is provided by the action of the Balfour municipality, which has already utilized its new powers to refuse licences wholesale to Indians.

Except on suburban lines in the Cape Province, Indians may not travel by rail in compartments other than those specially reserved for non-Europeans; in some places they may use only reserved seats on tramcars, and only reserved taxicabs and rickshaws. Except in the Cape Province, they may, also, not transact the normal business in post and telegraph offices at counters other than those specially set apart for non-Europeans. In the law courts in Durban we saw a notice prominently exhibited in the Registrar's Office requesting lawyers to send only Europeans to take out processes of the Court, as non-Europeans would not be attended to. Popular prejudice is responsible for their exclusion from hotels and places of amusement like theatres and cinemas. It is not suggested that the laws or administrative orders or the racial prejudice of which this differential treatment is the consequence are now in issue. The recital of these disabilities is intended solely to illustrate the contrast between legitimate Indian expectations and the actual status of the Indian community in South Africa.

11. It is sometimes contended that the Indian's services to one section of the community cannot be allowed to complicate the racial problems of South Africa. This cannot, however, be treated as an excuse for subjecting him to invidious treatment. In the first place, the Indian labourer did not come to

Natal of his own accord. In spite of the opposition to Indian immigration which emanated from certain quarters, the movement was, for a considerable period, actively encouraged by the authorities. Though the contract for hire on which the Indian came to the country was originally for a limited number of years, he was assured that he could engage in agricultural or commercial pursuits and move about with the same freedom as other sections of the community. Later, to achieve the same object, he was permitted to commute his right to a free passage to India for the equivalent value in land. In the second place, as the Clayton Commission pointed out in 1909, the employment of Indian labourers was widespread, and not confined to one or two particular industries. General farmers evidently found them as useful as the owners of sugar estates, and Government railways and coal mines employed them by the thousand. And, as has already been indicated in para. 7 of this statement, their activity has been of great benefit to the province as a whole. The trader who came in the wake of the labourer ministered first to the wants of his own fellow-countrymen and later to the needs of the whole community. As several Europeans, including bankers and large wholesale merchants, told us, their standard of commercial honesty is as high as that of any other race, their dealings with their customers are fair, and they are always considerate and courteous to their clients. In the third place, the bulk of the Indian population in South Africa was born in the country and knows no other home. According to the Census of 1921, the percentage of Indians born in the Union was 67.27 per cent.: many of them are complete strangers to India, her languages and customs. In the fourth place, to quote the words of Mr. W. H. Dawson, a recent writer on South Africa who is not unduly sympathetic to the Indian: "Fair-minded Europeans readily admit that the best of their Indian neighbours are quiet and unassuming in civic and business relationship, keeping themselves to themselves, rendering ready obedience to the laws of the country, so far as they are understood, and maintaining an orderly and exemplary domestic life."

In the circumstances, they can legitimately claim that they are not an alien but an integral part of the community, an element to be nursed, not to be discarded; an asset and not an embarrassment. That, in spite of all the circumstances which we have briefly enumerated, they are, on racial grounds, subjected to disabilities from which new-comers are exempt, naturally cuts them to the quick. To them it is a bitter reflection that treatment from which they would be protected in a foreign country by treaty-rights or by the active intervention of His Majesty's Government is, paradoxically enough, the reward of their services to South Africa, and the recognition of their common allegiance to the same Sovereign.

12. Their attitude of unrest and alarm at their position in the Union, which is scarcely in accord with any principle of equity, is influenced by three other factors. First, the Indian community in South Africa and Indian opinion throughout the world looks upon all fresh restrictions as a breach of the settlement of 1914, popularly known as the Smuts-Gandhi Agreement, which they regard as a guarantee that the status which Indians in South Africa had acquired in 1914 would at least be maintained. Second, they are unable to understand why, even though the white population of South Africa is no longer threatened with an Asiatic influx, the few rights that they still enjoy are being steadily curtailed. Speaking at the Imperial War Conference in 1917, General Smuts said: "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 would 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 white settlers 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 way is now open for a peaceful and statesmanlike solution of all the minor administrative troubles which occurred and will occur from time to time. Of course, the main improvement has been the calling of India to the Council Chamber of the Empire. Here, if any question prove difficult of treatment, we can discuss it in a friendly way and try to find a solution in consultation, and I am sure we shall ever find it. I for one do not consider that among the multitudinous problems which confront us in our country, the question of India will trouble us much in the future." In 1918, on a similar occasion, Mr. Burton made the following statement: "As far as we

are concerned, it is only fair to say—and it is the truth—that the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding quiet citizens, and it is our duty to see . . . that they are treated as human beings with feelings like our own and in a proper manner.” Indians find it difficult to reconcile restrictive legislation such as has been enacted in Natal, or is now contemplated in the provisions of the Colour Bar Bill and the Liquor Laws Consolidating Bill specially affecting Asiatics, with the principles of policy embodied in the pronouncements of two responsible South African statesmen who, at the time the statements were made, spoke on behalf of the Government of the Union. They can still less understand so deep an affront to their self-respect and so drastic a diminution of their present rights as is involved in the Areas Reservation and Immigration and Registration (Further Provision) Bill. Third, they feel that the Union Government which, when the Act of Union was passed, was made the sole guardian of their interests owes them special protection; since, except in the Cape Province, they are denied the political franchise which, wherever representative institutions prevail, is the surest safeguard of the rights and interests of any section of the community.

13. The Bill appears to be incompatible with these assurances. It is a deep affront to the sentiment of an ancient and civilized people and inherently unjust. Its three basic principles are:—

- (i) Compulsory commercial and residential segregation;
- (ii) Restriction of rights of acquisition of immovable property; and
- (iii) Further restriction of rights of immigration and inter-provincial migration.

We shall deal with these *seriatim* in the light of information which we have collected and impressions which we have been able to form as a result of our inquiries.

(i) *Compulsory Commercial and Residential Segregation*.—Commenting on the proposals for residential segregation which were frequently made by witnesses of an anti-Asiatic complexion, the Lange Commission said: “The result of our visits of inspection to some of the locations or so-called bazaars at present set apart for Asiatics in the Transvaal was not such as to inspire confidence in a general policy of segregation.” “At Johannesburg Indian merchants appeared before the Commission who proved by their books and their income-tax receipts that their individual incomes amounted to several thousands of pounds per annum. . . . From their annual household expenditure, as shown by their books, which were carefully and accurately kept, their standard of living appears to be quite equal to that of ordinary well-to-do classes amongst Europeans. . . . It seems monstrous, therefore, to suggest that these men who have by their industry and commercial ability worked themselves up to such a position should now be forced to remove into locations.” On these grounds they came to the conclusion that “indiscriminate segregation of Asiatics in locations would result in eventually reducing them to helotry, and that such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European.” They accordingly recommended that “there should be no compulsory segregation of Asiatics.” Indians without exception look upon the application of the principle of compulsory segregation to themselves as a racial stigma. It is galling to their national pride to feel that though members of their race may sit in the Council Chamber of the Empire beside the most distinguished statesmen, in South Africa they may not live in proximity to the humblest of their white fellow-subjects; that Tagore, though he was worthy of the Nobel prize in literature, could, if he were in South Africa, reside only in a slum like Boksburg or Germiston. The fact that the Bill provides for exemptions is no consolation to them; for they realize that no Indian, truly proud of his origin, will seek personal aggrandisement at the sacrifice of association with his fellows—a severance of association which would most effectively destroy his value as a factor in the uplift of his nationals.

Their sense of humiliation is aggravated by the knowledge that the Bill seeks to place them on a lower level than certain Coloured elements of the popula-

tion of the Union. Where Indians have inter-married with the Malay community, it is feared that to racial humiliation will be added the bitterness which is born of a consciousness of inequality between husband and wife. From the commercial point of view segregation would spell ruin to many Indians and ultimate restriction of opportunity to all. Businesses which now rely on a European clientele will be extinguished within a generation; in the majority of cases, much sooner. Indian trade will be restricted, geographically, to a special area, practically to a section of the community which will probably be the poorest. The consequences, immediate as well as remote, of such a drastic curtailment of existing rights need no undue elaboration. We would merely ask the Committee to reflect on the results of the restriction now contemplated on the many Indians who carry on business at present in premises owned by themselves or hired from Europeans, in areas that may be set apart for the latter. From our experience we can assure them that there are many such in Natal; that in the Transvaal, where the acquisition of fixed property by Indians has always been restricted, probably the majority of Indian traders hold land on lease from Europeans; that in the Cape Province, where men of various races trade alongside each other—the dividing line is the class of business or financial capacity—segregation for the purpose of trade will impose very great hardship.

Further, with their experience of municipal administration of laws affecting them and their impotence to influence municipal policy, Indians regard their future under segregation, whether for purposes of residence or trade, with feelings of dismay. In view of the conditions prevailing at Germiston, Boksburg, Springs and other Asiatic Bazaars which we visited in the Transvaal, we consider that they have good reason for the fear that, in practice, the policy of segregation will be administered in a spirit of racialism rather than of even-handed justice. The interests which are hostile to them, and which are in possession of the political franchise will, always, be able to influence the administration of the proposed law to their disadvantage, for neither local bodies nor Government are likely to disregard the wishes of the electorate.

(ii) *Restriction in regard to Acquisition of Property.*—In the Orange Free State Indians cannot hold immovable property at all. In the Transvaal they were subject to stringent limitations until 1st May, 1919, and since then acquisition of property has been prohibited. In the other two provinces where they have been subject to no such disability, the restrictions now contemplated in the Bill constitute a drastic innovation. The effect of these restrictions in so far as they are designed to subserve the policy of racial and commercial segregation has already been indicated in the preceding paragraph. They will also reduce the value of property owned by Indians in European areas by restricting the market for its sale. But grave consequences will ensue from the creation of the Coast Belt. It is in Natal that the Asiatic population is highest; at the last Census the numbers were 141,000 out of a total of 165,000 for the whole Union, of whom 161,000 were Indians. Nearly 48,000 were concentrated in Durban and its suburbs. If the total for the area likely to be included within the proposed 30-mile belt were taken the figure would be larger. A considerable proportion of these are agriculturalists whose sole ambition is to own their own plot of land and cultivate it. Some of them own the land on which they grow crops; but the majority are squatters on land which does not belong to them but mostly to Europeans. This is the class which will be hit hardest by the establishment of the coast belt with the attendant condition that members of one race shall not, within that belt, outside class areas, buy or lease land from members of another race. Its effect will be to drive Indian squatters on European land from their natural métier into the labour market. The squatter will lose a congenial employment if not his livelihood; the agricultural labourer will lose all prospect of investing his savings in land, for the area of agricultural land owned by Indians is strictly limited; the general consumer will suffer from a shrinkage of the supply of vegetables and fruit, and a consequential increase in the price of these articles; the labour market from a glut of cheap labour, and the urban community generally from congestion in towns, especially Durban, whither the squatter, deprived of his holding, will drift in quest of work. This particular phase of the restrictive policy will probably be a source of grave embarrassment to the entire community; for the indentured Indian and his descendants who have done so much for Natal it will be disastrous.

(iii) *Further Restriction of Rights of Immigration*.—In para. 3 of their telegram No. 609 O.S., dated the 12th October, 1925, the Government of India made the following observations of principle on the restrictions proposed in the Bill in regard to immigration and inter-provincial migration:—

"Clause 16 (b) of the Bill will have the effect of restricting further entry of Asiatics lawfully resident in other parts of the Union into Natal and the Cape of Good Hope. The reasons for proposing this provision are unknown to us, but we venture to point out that the restrictions of freedom of Inter-provincial movement must seriously affect vested interests. Again, imposition of the time limit in respect of the entry into the Union of wives and children of lawfully resident Indians prescribed in (ii) of the proviso to clause 17 is scarcely in consonance with terms of para. 3 of the reciprocity resolution of 1918, which did not contemplate any such limitation, and which representatives of South Africa accepted. In view of the disparity between the two sexes of the resident population, it will inflict great hardship on unmarried Indians

"(ii) Sub-section (e), which clause 17 substitutes for the present sub-section (e) of section 5 of the Immigrants Regulation Act (No. 22 of 1913), empowers Ministers to withdraw from Asiatics, born of parents lawfully resident in any province of the Union, domicile that they have already acquired or may hereafter acquire in another province. Here again we fear that existing rights will be seriously prejudiced."

With regard to the restriction now contemplated in relation to the entry into South Africa of wives and children of lawfully domiciled Indians, we would add that it constitutes a serious curtailment of a privilege which the Indian community in the Union secured as part of the settlement which led to the abandonment of the passive resistance movement in 1914.

14. We have avoided any discussion of the details of the Bill, for, as we have already pointed out, the objection of the Government of India to its underlying principles is fundamental. Our comments on the principles purports to show how they involve a drastic curtailment of his already attenuated rights—rights which fall far short of his legitimate claims as a subject of the Empire, a useful citizen of the Union and a civilized human being. In the course of our investigations we have had evidence of the existence in certain circles of a feeling hostile to him. The Bill presumably constitutes an attempt to placate this feeling. We would urge that, so far as we have been able to ascertain, the sentiment to which the Bill is a concession is not founded on fact. Since the Asiatic Inquiry Commission definitely rejected the idea of compulsory segregation, the Indian has made no encroachment on the sphere of the European. On the contrary, in the municipalities of Natal, the number of European trading licences has increased by 15 per cent. as against an increase of only 5 per cent. in Asiatic licences. In the Transvaal in the municipalities of Krugersdorp, Johannesburg, Zeerust, Middelburg, Pietersburg, Volksrust and Potchefstroom, where opposition to the trading activities of the Indian community was most vehemently voiced before the Asiatic Inquiry Commission, the number of Asiatic General Dealers' licences had fallen from 1,901 in 1921 to 1,669 in 1924. In the whole province the decrease in such licences during the same period was 306. Official comparative figures of European and Indian employment in the various industries are not available. Individuals who were most positive in stating that the Indian had ousted the European from certain trades could produce no consolidated statistics, but only isolated instances. Information for the magisterial districts of Durban and Pinetown, which was compiled by the Director of Census for the period 1916-1917 to 1922-1923, gives such figures in respect of Europeans and non-Europeans. Among the latter, Natives and Coloured persons are also included. These statistics reveal no change in the position since 1919 which can even remotely be described as a setback for the white worker. On the contrary, in several of them the percentage of non-Europeans has actually diminished. In any case, an attempt to solve the problem of economic competition, whether in industry or trade, on racial lines is neither equitable nor sound. It is not equitable since on no principle can the Indian be assigned a position of racial inferiority. It is not sound since economic evils require economic remedies. It is suggested that the only way to secure a healthier relation between various elements of the population and safeguard the proper economic development of the country is to aim at raising the educational and economic standards of the Indian section of the community to those of the European. Co-operation between different elements of the population on a footing of equality, not conflict engendered by a sense of grievance, should be the aim of policy. In India and other parts of the Empire such co-operation, notwithstanding differences of

religion and customs, has been successfully tried. The experience gained in India provides the most convincing justification of the value of such co-operation. We are confident that were such co-operation attempted in South Africa there would be no Asiatic problem.

15. On the 18th September, 1922, the Third Assembly of the League of Nations passed the following resolution, on the motion of the representative of South Africa:—

“The Assembly expresses the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the Treaties and by the regular action of the Council.”

The object of this resolution was to ensure that the progressive nations of the world should strive to remove from the minds of different sections of their constituent populations all consciousness of injustice. We commend the resolution as enunciating the only right policy for a nation like South Africa to follow.

16. In the preceding paragraphs we have tried to show how the disabilities to which Indians in South Africa are subject are incongruous with their civilization, their position in the British Commonwealth of Nations and their services to the Empire and to South Africa. We have endeavoured to indicate the nature of the feelings with which Indians of all classes in the Union regard the proposed Bill. We have also tried to explain that though there is a feeling of alarm among the white community regarding the competition of the Indian, it is not well-founded. We hope we shall not be misunderstood if, before we conclude, we also emphasize the strength and universality of feeling which the Bill has roused in India. Passionate regard for *Izzat*—a national phrase for which “honour” is but a feeble substitute—is the link which unites Indians throughout the world. Indians in India look upon the treatment of fellow-Indians who have settled in other parts of the Empire as the test of their own status in the Empire. Any humiliation inflicted on them they resent as an affront to their own honour. This sentiment is as genuine as it is widespread. It is not the product of artificial agitation, but the spontaneous reaction of a highly sensitive national temperament. It would be a mistake to infer that this sentiment is animated by any arrogant or aggressive desire to interfere in the internal affairs of another portion of the Empire. Nothing is further from the mind of the people of India. They are, on the contrary, anxious to live on terms of friendship with all their fellow-subjects. All they seek is reciprocity in honourable treatment. It is a grievous disappointment to them that although South Africa is no longer menaced with an influx of immigrants from India, the rights of the Indian community in the Union are being progressively diminished. They feel such treatment to be incompatible with the spirit of the assurances they received when the Government of India passed to the British Crown that there shall not be in the eye of the law any distinction against them by virtue of their colour or creed. They feel it to be inconsistent equally with the assurances given subsequently by responsible South African statesmen like General Smuts and Mr. Burton. They fail to understand why relations between India and South Africa, which are geographically near to each other, and whose friendship should be mutually advantageous in commerce and defence, should be subjected to a strain which with goodwill and sympathetic understanding could easily be allayed. The present Bill they regard as an unnecessary incentive to estrangement. They feel that the Indian problem in South Africa should be susceptible of a solution honourable and satisfactory to both parties if the two peoples and their Governments approach it with sympathy and vision. To achieve such a solution it is imperative to establish a calmer atmosphere for consultation and discussion. It was with this object that the Government of India suggested a conference, whether in South Africa or in India. Considerations of amity, justice and expediency still require that such an atmosphere should be established. The passage of the Bill will only aggravate the situation. We hope that the Parliament and people of South Africa will deal with the problem in a spirit of friendliness, wisdom and justice.

Cape Town,  
3rd March, 1926.

G. F. PADDISON.  
RAZA ALI.  
DEVAPRASAD SARVADHIKARI.