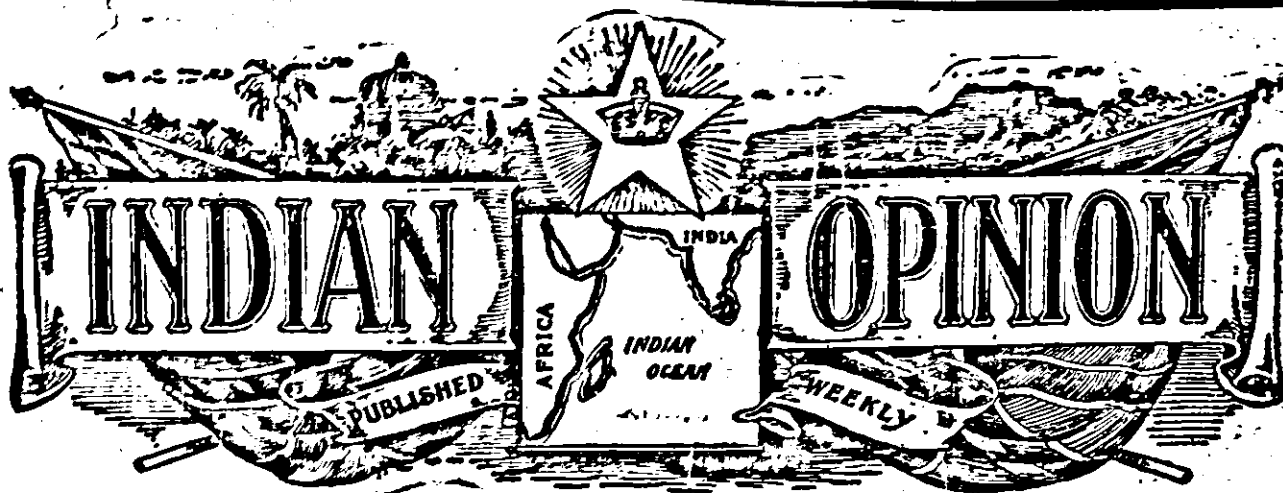




No. 24—VOL XI.

SATURDAY, JUNE 21ST, 1913.

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

ROYAL ASSENT TO IMMIGRATION BILL

AS will be seen from the following correspondence, the Immigrants Regulation Bill has received the Royal Assent, through His Excellency the Governor-General.

Mr. Cachalia sent last Tuesday to His Excellency Lord Gladstone the following telegram:—

"In view of the passage of Immigration Bill in the Union Parliament, my Association would respectfully draw your Excellency's attention to the following objections to the Bill from the standpoint of the Indian community. The Bill fails to carry out the provisional settlement in that, contrary to that settlement, it takes away existing rights. It restricts right of appeal to the Supreme Court presently existing. It deprives Indians resident in Natal of the facility presently enjoyed by them to re-enter that Province after absence on strength of three years' previous residence while indentured Indians who have paid £3 tax may not under the Bill be allowed to claim the right of residence in that Province. It takes away the right of South African-born Indians to enter the Cape under its existing Statute. The Free State difficulty remains as before in that declaration will be required from educated Indian immigrant which would not be required from any other immigrant as immigrant. My Association therefore earnestly prays your Excellency to withhold sanction of the Bill and so obviate recurrence of painful struggle with all its hardship suffering and sacrifice for the community represented by my Association."

To this wire Lord Gladstone replied saying the matter was engaging his attention. Since then however Mr. Rustumjee has received the following letter from His Excellency in reply to the wire of the Zoroastrian Anjuman:—

"I have the honour to acknowledge the receipt of your telegram of the 17th inst., and in reply to inform you that the Governor-General signified his assent to the Immigrants Regulation Bill before he left Cape Town, having received the usual certificate from the Law Adviser of the Government."

On receipt of this Mr. Rustumjee sent the following wire:—

"Reference your letter 17th instant my Association respectfully inquires if Immigrants Regulation Bill reserved for expression Royal Will thereon."

The following reply has been received by Mr. Rustumjee:—

"Your telegram 18th instant. As I informed you in my letter, the Governor-General signified his assent, in the King's name, to the Immigrants Regulation Bill last week, and consequently the Bill was not reserved."

Statement by Mr. Gandhi

The *Natal Mercury* published the following statement by Mr. Gandhi in regard to the Immigration Bill in last Saturday's issue:—

"If Mr. Harcourt is correctly reported, his answer to Mr. O'Grady is astounding. If he has seen the Bill in its original form it will be impossible to avoid the conviction that the Imperial Government have thrown the Indians overboard, and have gone back upon their own dispatches in order to please the Union Government. I shall, however, hope that they have not seen the Bill, and that they have no first-hand knowledge of the full effect of the amendment made. It is perfectly clear, on the other hand, that the Union Government have not only committed a breach of trust towards the Indians, violated the settlement of 1911, and belied their assurances to Mr. Gokhale, but, instead of honestly telling the Imperial Government that they do not intend to carry out the terms of the settlement or to respect the wishes of the Imperial Government as expressed in so many dispatches, they have actually deceived that Government."

There is no evidence in the original draft of the Bill of the slightest desire to meet the anxiety of the authorities in Downing Street. It is a wilful misstatement of facts to say that racial differentiation has been removed by this Bill, even in regard to immigration. Indeed, Mr. Fischer's telegram to me completely bear out my remark. The Free State difficulty has been, since 1911, a racial difficulty. Mr. Fischer has not surmounted it, and he says distinctly in his telegram that he will meet it by administrative action. If such a proposal could have been accepted in 1911, the Bill of that year would have become law, but it could not be then, and it cannot be now. The Union Government, if they have any sense of honour, are bound to remove the racial inequality before the law, and in any measure passed to bring about that end, they are bound not to disturb existing rights. They have failed to carry out either part of the compact. Mr. Harcourt seems also to be under the impression that the few amendments that have been made in the Bill are due to the initiative of the Union Government or their desire to do justice. They have been wrung from them by an opposition in Parliament which was as creditable as it was unexpected by the Ministry. Indeed, had the opposition only been a little stronger and more consistent, we should now have a law in spite of the Union Government that would have made final the provisional settlement of 1911. As it is, unless the Royal sanction is withheld from the Bill, and fresh assurances given to the community that the terms of the settlement of 1911 will be entirely carried out, and that the marriage difficulty will be removed, passive resistance, this time both by men and women, will be

taken up. The Union Government may be, indeed, are, indifferent whether it is or is not, but I have faith enough in this sovereign remedy for all the ills that the civic and political life of a community is heir to, to know that, if we are true to ourselves, it must succeed. The latest proposal of the Government to remove the £3 tax only from women demonstrates beyond doubt their consistently hostile attitude and bad faith towards the Indian community.

Text of the Searle Judgment

We are now able to give the full text of the now-famous Searle judgment.

Mr. Justice Searle, in giving judgment, said: I should have been glad to have had a little more time in regard to giving judgment in this matter so as to have been able to go into it somewhat more fully, but on account of the departure of a steamer it is of urgency and thus requires to be disposed of at once. The facts are not in dispute. The applicant, an Indian who has been living at Port Elizabeth since 1902, obtained a permit last year to go to India, where he contracted a "marriage" by Mahommedan rites with one Bai Mariam, who now seeks admission to this country with him, as an immigrant under Act 30, 1906. It is admitted that she is unable to satisfy the qualifications of Sect. 3 (a) of Act 30, 1906, and that unless she is to be regarded as the wife of applicant under section 4 (e) of that Act, she cannot claim admission. What appeared at first to me to be a difficulty in the way of the respondent was that a certificate from a magistrate in India was annexed to the petition in which it was stated that she was the wife of the applicant; but I understand that that document is only admitted as evidence subject to the admission made by the applicant that this so-called marriage was what is commonly known as a polygamous one; in other words, that the applicant was free to enter any unions of a similar nature during the subsistence of the marriage with Bai Mariam. As a fact however, he has not done so, and the question for discussion, it is agreed between the parties, is simply narrowed down to this "What is the meaning of the word "wife" in sec. 4 (e) of the Act?" does it mean a wife by a marriage recognised as legal by the laws of this country, or must the term be extended to embrace a so-called wife by a custom which recognises polygamy? The courts of this country have always set their faces against recognition of these so-called Mahommedan marriages as legal unions; although by Act 16 of 1860 of Cape Colony, provision was made whereby marriage officers could solemnise such and thus give them validity, until so solemnised they remain out of the pale of legal marriages. It is clear, however, that such solemnisation has not taken place in this case, and there is no statement even of any intention to effect this if Bai Mariam is permitted to land. It was in consequence of the existence of that statute that Magistrate's case and the others quoted on the same lines were decided. The object of allowing the wife of an immigrant to land with him was no doubt because of the intimate legal relations existing between husband and wife, whereby they are partners in legal contemplation for many purposes and the husband is bound to maintain the wife until they are legally separated by the Court. If, however, persons are admitted as "wives" who might legally be repudiated the next day after the arrival by the husband entering into a lawful union in this country with someone else, or even without his doing so, it seems to me the object of the exemption in favour of the wife would not be carried into effect. The statute is in general terms; it is not framed merely for Asiatics or indeed principally for them, though the word Asiatic is incidentally mentioned in the Act; not all Asiatics, however, contract unions of a polygamous character. It is said that at all events one "wife" should be admitted of a

Mahommedan union, and I do not know whether it is to be the first that comes, or the first that is married; but it is said that otherwise there will be great hardships imposed and immorality presumably encouraged; these are matters for the legislature to consider, though I am not satisfied that such consequences would necessarily ensue by the interpretation of the Act contended for by the respondent. The matter has never been judicially decided in this Province, but in the Transvaal a recent decision disclosed a difference of opinion on the Bench. The Transvaal Statute is in similar terms to Act 30 of 1906, and I agree with the decision of the majority of the Court. This is not a case where merely ceremonial forms of the marriage celebration in the foreign country by parties domiciled there are different from those required in this country: in such cases it may well be that the marriage could not be impeached here, but this is a case where the very elements and essentials of a legal union of marriage are by admission, wanting. As pointed out for respondent, when the legislature of this Colony did intend to put a wider interpretation on the word "wife" so as to include a reputed wife as in Act 15, 1865, the Act clearly said so; the onus here lies on the applicant and I am not satisfied that he has discharged it. The application must be refused. It was suggested that the Court should intimate that Bai Mariam might be allowed to land if applicant agreed to legalise his marriage under Act 16 of 1860, but that is not a matter for the Court to interfere with, though I can see no objection to such a course of the procedure if the Minister should direct it. I don't even know if machinery for such legalisation at present exists. As costs are not pressed for, there will be no order as to costs.

The Munien Case

The following correspondence has taken place between Mr. Polak and the Secretary for Justice in this case:—

Mr. Polak to the Secretary for Justice, 19th May 1913

"I have the honour to enclose herewith a marked copy of the current issue of INDIAN OPINION, and to direct the attention of the Honourable the Minister to the circumstances related in the marked portion. My informant is a prominent European professional man resident in Verulam, and there is, I feel assured, no doubt of the facts.

"It appears to me that a grave injustice has been done in this and similar cases, and that the Magistrate has not acted with that humanity which one always hopes for from the Bench.

"The Honourable the Minister, I have no doubt, is most anxious that justice should be done to all His Majesty's subjects in South Africa, regardless of race, and I, therefore, have no hesitation in requesting him respectfully to cause an inquiry to be made in this matter, with a view to the prevention of a recurrence of the circumstances."

The Secretary to Mr. Polak, 27th May, 1913.

"I am directed by the Minister of Justice to acknowledge the receipt of your letter of the 20th inst., on the subject of the case of one Munien, and to inform you that Sir David Hunter is putting a question in the House of Assembly on the same subject."

Mr. Polak to the Secretary, 2nd June.

"I have to acknowledge the receipt of your letter, C.T. 1137, of the 27th ulto., on the subject of one Munien.

I had already learnt of Sir David Hunter's question, and of the disappointing terms of the Honourable the Minister's reply thereto.

"I find it difficult to understand the Minister's statement that he had not sufficient information to

warrant any inquiry, in view of the facts that I had placed before him in my letter of the 20th ulto. Fortunately, such information as was available enabled the Supreme Court, on the same day that the Honourable Minister's reply was given in the House of Assembly, to come to the conclusion that a grave injustice had been done, and that the conviction should be set aside and the sentence quashed, with costs against the Government. I have pleasure in enclosing herewith a copy of the newspaper report of the proceedings on appeal.

"It is a matter of extreme regret that, in the opinion of the Honourable the Minister, matters affecting the liberty of the subject are not fit matters for thorough inquiry by the Government or for consideration by the House of Assembly, and it is even more regrettable, having regard to the Imperial aspect of the question, that the impression will be created upon the mind of the Indian public that Indians must, as heretofore, look to the Supreme Court for protection against injustice which it is within the competence of the Government to remedy."

From the Editor's Chair

THE SITUATION

MESSRS. ALEXANDER and Meyler, who have shown a very great spirit of independence and fearlessness, attempted, even when the Bill was sent back by the Senate for approval of its amendments, to secure justice for those to satisfy whom the Bill is supposed to have been passed. But Mr. Fischer was unbending. He would not listen to any amendment. Mr. Meyler pleaded that those who had bled for Natal for five years and were then paying an annual tax of £3 for the privilege of living in Natal as free men, should, at least, be protected against being declared prohibited immigrants under the new Bill. Mr. Fischer had, however, prepared us for his rejection of Mr. Mayler's proposal by his extraordinary reply to the Colonial-born Indian Association and the Jigyasa Sabha, through which he has been good enough to inform the community that, in the opinion of the Government, the £3 tax is self-imposed, in that the tax-payers have committed a breach of the covenant entered into by the 1. This cruel reply shows what is in store for us in future. But "sufficient unto the day is the evil thereof." We need not, therefore, peep into the future, which will take care of itself, if the present will do likewise.

We were in doubt as to whether the Bill was designed to take away the right of residence in Natal of the payers of the £3 tax. We have to thank Mr. Meyler for having had this point cleared up. Impossible of acceptance as the Bill is for the objections already set forth in these columns, this new information makes it doubly impossible for the Indian community to accept it. It must have gone down very low indeed, if it subscribes to a Bill which deprives these makers of Natal of their heritage. If anyone has a right to live in peace and under the most favourable circumstances in Natal, it is our indentured brethren. The statesmen of this Province have, with one voice, admitted that Natal owes its prosperity to the presence of these men. If they have no right to reside in Natal without molestation and disturbance, those of us who have come to South Africa, not to slave for it but to better ourselves in it, have much less. The revival of passive resistance, therefore, is a sacred duty imposed upon those who have any regard for the welfare and honour of the community.

THE ROYAL ASSENT

Just before going to Press we received copy of the wire sent to Mr. Rustomjee by Lord Gladstone's Private Secretary informing him that the Bill was sanctioned in the King's name. It therefore comes to this: the Bill as it was originally framed, had it been passed, would have received the Royal Assent. We are sorry—not for the community which will survive the shock—but for the Imperial Government which is imperial only in name and which in reality is the slave of any bully of a colony which has sufficient audacity to dictate to it. If passive resisters have full faith in themselves they will offer passive resistance both to the local as well as the Imperial Government. An appeal to the latter now can be of little avail seeing that they have accepted the Bill with their eyes open. Our appeal must be to ourselves, and if we fail in that appeal, we shall deserve all that the local Government may do and much worse.

THE BLOOD MONEY

MR. MEYLER has rendered a service to the community by strenuously opposing the Bill to exempt Indian women only from the cruel tax of £3, and thus killing the measure. It may seem hard-hearted to be glad that a relief Bill has been killed. But this so-called exemption Bill was really a Bill on the part of the Government to gain credit for themselves. It was designed, as we pointed out last week, to postpone indefinitely the removal of the tax from men. Mr. Meyler saw the trick and he would be no party to the Government obtaining cheap applause. It is now easier both for the Imperial Government and us to secure at an early date, by well-sustained action, the total repeal of the inhuman tax, and thus to compel the Government to redeem its assurance to Mr. Gokhale.

Dealers' Licences

The Natal Provincial Council went into Committee on the Retail Dealers' Licence Amendment Draft Ordinance on the 12th instant.

After discussion, the ADMINISTRATOR agreed that the ordinance required more careful consideration than appeared on the face of it, as the interests of persons of a race unrepresented in the Council were concerned.

Progress were reported, with leave to sit again.

The Committee of the Durban Chamber of Commerce have submitted to the Provincial Government the view that retail dealers, agents, and hawkers should alike be subject to the licensing system, whether they do or do not deal solely in Colonial produce.

The executive of the City Chamber of Commerce (says the *Natal Mercury*) have made representations to the Marienburg members of the Provincial Council on the Retail Dealers' Licence Draft Ordinance, and have taken up the same position in regard to the Bill as that adopted by the Durban Chamber. It seems, however, that difficulties are apprehended in drafting definitions which will effect the desired object. The matter is said to be very complicated, and this accounts for the fact that the Bill has not yet been amended and is still in the Committee stage. Mr. Wylie, K.C., drew the attention yesterday to the difficulty of avoiding complications in the matter of Indian licences, and pointed out that they would have to be very careful in the wording of their amendments if these were to have the effect desired. The Administrator remarked that another reason for care was that they were dealing with the people of a race who were unrepresented in the Council.

The Indian Population of the Union

The following table appears as a Schedule to the Census Report, 1911, just published

	THE UNION.			CAPE OF GOOD HOPE.			NATAL.			TRANSVAAL.			ORANGE FREE STATE.		
	Persons.	Males.	Females.	Persons.	Males.	Females.	Persons.	Males.	Females.	Persons.	Males.	Females.	Persons.	Males.	Females.
TOTAL.....	149,791	93,886	55,905	6,606	5,590	1,016	138,081	80,160	52,871	10,048	8,050	1,998	106	86	20
BIRTHPLACE.															
Union of South Africa.....	63,776	32,408	31,368	1,381	716	665	59,946	29,946	29,331	3,065	1,708	1,357	53	38	15
Assam.....	31	30	1	5	5	—	20	20	—	6	5	1	—	—	—
Bengal.....	16,165	10,662	5,503	193	182	11	15,468	10,030	5,432	501	442	59	3	2	1
Bombay.....	10,883	9,745	1,138	2,819	2,760	59	4,588	3,695	893	3,474	3,288	186	2	2	—
Burma.....	33	30	3	7	6	1	12	10	2	14	14	—	—	—	—
Central Provinces and Berar.....	49	44	5	8	8	—	26	22	4	15	14	1	—	—	—
Eastern Bengal.....	3	3	—	3	3	—	—	—	—	—	—	—	—	—	—
Madras.....	41,314	27,847	13,467	619	544	75	39,295	26,125	13,170	1,392	1,170	222	8	8	—
Punjab.....	342	312	30	123	120	3	95	78	17	121	111	10	3	3	—
United Provinces of Agra and Oudh.....	265	188	77	32	32	—	225	148	77	8	8	—	—	—	—
Other and Unspecified Provinces.....	15,921	11,965	3,956	974	931	43	13,592	9,817	3,775	1,323	1,188	135	32	29	3
Other Countries.....	1,009	652	357	442	283	159	433	263	170	129	102	27	5	4	1
RELIGION.															
Hindus.....	115,580	69,995	45,585	2,288	1,841	447	108,877	64,716	44,161	4,403	3,426	977	12	12	—
Mohammedans.....	20,892	15,148	5,744	3,211	2,908	243	12,038	8,193	4,745	4,724	3,070	754	19	17	2
Parsis.....	341	218	123	4	4	—	319	197	122	17	16	1	1	1	—
Others.....	12,978	8,525	4,453	1,103	777	326	10,897	7,054	3,843	904	638	266	74	56	18
CONJUGAL CONDITION.															
Married.....	62,692	35,824	26,868	3,158	2,776	382	54,074	28,469	25,605	5,423	4,545	878	37	34	3
Single.....	82,305	55,462	26,841	3,129	2,565	504	74,787	49,562	25,225	4,328	3,288	1,040	62	47	15
Widowed.....	4,344	2,245	2,099	298	230	68	3,759	1,809	1,950	283	204	79	4	2	2
Divorced.....	166	122	44	13	11	2	142	101	41	9	8	1	2	2	—
Unspecified.....	283	233	50	8	8	—	269	219	50	5	5	—	1	1	—
OCCUPATION.															
Professional.....	729	675	54	51	49	2	627	582	45	49	42	7	2	2	—
Domestic.....	31,339	7,757	23,582	1,145	630	509	27,810	5,734	22,076	2,323	1,330	993	61	5	4
Commercial.....	10,307	9,503	744	1,718	1,705	13	4,901	4,253	708	3,622	3,599	23	6	6	—
Agricultural.....	36,238	29,186	7,052	1,79	1,77	2	35,677	28,603	7,014	373	338	35	9	8	1
Industrial.....	21,861	21,010	851	2,443	2,413	40	18,053	17,251	802	1,358	1,350	8	7	6	1
Indefinite.....	1,149	316	833	26	20	6	1,066	254	812	54	39	15	3	3	—
Dependents.....	47,291	24,691	22,600	1,022	481	441	44,050	22,818	21,232	2,201	1,285	913	18	4	14
Unspecified.....	877	688	189	22	19	3	787	605	182	62	64	4	—	—	—
AGE.															
Under 20 Years.....	62,223	32,686	29,537	1,479	929	550	57,534	29,683	27,851	3,183	2,062	1,121	27	12	15
20-30 Years.....	65,193	44,650	20,543	3,855	3,543	312	56,332	36,761	19,571	4,954	4,257	657	52	49	3
40-50 ".....	15,971	14,114	4,857	1,130	1,007	123	16,118	11,506	4,552	1,701	1,521	186	22	20	2
60 Years and Over.....	3,380	2,422	958	142	111	31	3,023	2,136	887	210	170	40	5	5	—
Unspecified.....	24	14	10	—	—	—	24	14	10	—	—	—	—	—	—

The £3 Tax

In the House of Assembly, on the 16th instant, Mr. FISCHER (the Minister of the Interior) moved the second reading of the Natal Indian Immigration Law Amendment Bill. The object of this measure, he pointed out, was to relieve the women of the poor Indians of a tax of £3. There had been some discussion as to whether the tax should be abolished altogether, the poor men, as well as the poor women, but Government, who had had the matter under consideration did not see their way to do so. It was recognised, however, that it was a hardship that Indian women should be called upon to pay. Up to the present, when the Courts had been called upon to deal with persecutions for non-payment of this tax by women some magistrates took the view that they should press hardly for the tax, while others were of the opinion that it should not be imposed.

Mr. MEYLER (Weenen) said he would offer the utmost resistance to this Bill. He did not see why Government should be helped out of a difficulty which they had got into in the administration of this law. Last year the Government collected this tax from 42 women only, out of the whole of the Indian women in Natal, who were liable to pay it. It had been one of the most disgraceful things that had happened in Natal that a few women should be made to pay this tax. The great bulk of Indian women had no means with which to pay. The Government, he contended, could remove this tax upon women by regulation, because that was one which was never meant to apply to women. He quoted the Natal Attorney-General on this point. He (Mr. Meyler) had a cable sent him by Mr. Gokhale, in which the latter said he had been given definitely to understand by the Union Administration that they would take off the whole of this £3 tax. He (Mr. Meyler) objected to the House proceeding with this Bill unless the Minister was prepared to tackle the whole question. The original intention of the tax was to force the Indians back to India. It had been a complete failure in this respect, and therefore the Government might as well do away with it altogether.

Sir DAVID HUNTER (Durban, Central), holding a sheaf of telegrams in his hand, unsuccessfully endeavoured to catch the Speaker's eye.

Mr. NESER (Potchefstroom) moved the adjournment of the debate.

This was agreed to, and the MINISTER fixed that day week, amid laughter. This means that the Bill has been dropped.—Reuter.

Local Protests

The following telegraphic correspondence has passed respecting the £3 tax:—

From Kathiawar Arya Mandal, Durban, to Interior, Capetown.

"My Society strongly protests character Bill exempting women only £3 tax, which Indians regard inhuman, unjust, un-Christian. My Society has been under impression, which now confirmed by Honourable Gokhale's cable, assurance given by Government they would introduce legislation early date for total repeal tax. If Bill passes present form, grave situation will be produced. Earnestly implore Government repeal tax altogether.—Chairman."

From Gujarati Hindus to Interior, Capetown

"Gujarati Hindus beg Government amend £3 tax Bill so as exempt all liable to payment. Honourable Gokhale's recent telegram confirms impression Indian community that Government had given assurances total repeal, which impression circulated those affected and in India. Gujarati Hindus deplore Government's attitude Immigration Bill, which retains racial bar, on Minister's own admission, and takes away existing rights. Uncertain whether legal effect amendment marriage section has removed grievance. Gujarati

Hindus feel that hostile action Government in face of solemn undertaking of provisional settlement will provoke renewal passive resistance, which will have active sympathy, support Indians throughout Union.

The following wire was sent by the Anjuman Islam to Mr. Fischer.

"My Association deeply disappointed observe Government's failure fulfil moral obligation Gokhale repeal £3 tax. My Association earnestly requests amendment present Bill to exempt women only so as to relieve community disgrace burden unjust tax. Randaree, Chairman."

A Reply

The Hon. Secretary of the Colonial-Born Indian Association and the Shri Hindi Jigyasa Sabha received the following, dated the 9th instant, from the Minister of the Interior:—

"I have the honour to acknowledge the receipt of your letter of the 3rd instant in which you refer to the £3 tax at present payable by ex-indentured Indians in Natal. The Minister is somewhat at a loss to understand to what you are referring in the first paragraph of your letter.

"As your Association will no doubt have observed from the Public Press, a Bill providing that female ex-indentured Indians shall not, in future, be liable to the tax was introduced into the House of Assembly some days ago.

"On the general question of the incidence of the tax, I may point out to you that your Association appears to have overlooked the fact that the burden is self-imposed and that the liability for the tax only falls on those who break the covenant which they are required to enter into by Section 3 of Natal Act No. 17 of 1895."

In reply to the above, the Hon. Secretary of the Colonial-born Indian Association writes:—

"I have the honour, on behalf of my Committee, to acknowledge the receipt of your letter of the 9th instant in reply to mine of the 3rd instant, with reference to the annual tax of £3 payable by ex-indentured Indians, male and female.

"In reply, I beg to state that the first paragraph of my letter has reference to General Smuts' speech in which he stated that he wished to consult the Natal members before he could decide to remove the tax.

"My Committee has seen the reference in the Local Press to the Bill to remove the tax of ex-indentured women. But my Committee feel that the tax is such an iniquitous exaction that it should be removed from men as well as women. It is my Committee's desire respectfully to point out to the Honourable the Minister that, the Government having given an assurance to Mr. Gokhale in this matter, they should now translate the assurance into action.

"With reference to the 3rd paragraph of your letter, my Committee feels grieved that the Minister has seen fit to justify the existence of the cruel tax on the strength of a statement which is so manifestly at variance with actual facts. My Committee would remind the Minister that the tax is only euphoniously so-called and that in reality it is a penalty exacted from the most innocent men and women whose only crime is that they have served Natal only too well by giving the best years of their lives. My Committee humbly considers it a travesty of facts to say that these men, who do not understand the nature of contracts, impose the tax on themselves by breaking the condition that they should return to India at the end of their term of indenture which has been described by distinguished statesmen as a state of slavery.

"My Committee wish to assure the Minister that there is no grievance so widely and acutely felt as this tax, and to add that, the manner in which the exaction has been defended in your letter only increases the bitterness of the feeling in the matter."

The Hon Secretaries of the Shri Hindi Jigyasa Sabha write:—

"We have the honour to acknowledge the receipt of your letter of the 9th instant, on the subject of the £3 tax. Our Association has read in the papers of the introduction into the House of Assembly of a draft Bill providing for the removal of ex-indentured Indian women from the incidence of the tax. The announcement of the introduction of the Bill came as a shock to my Association, for it was the general belief of the Indian community, a belief that has within the last week received cable confirmation from the Honourable Mr. Gokhale, who is now in London, that the Government had given assurances that the £3 tax was to be entirely repealed. Our Association feels intensely the serious hardships and grievous injustice imposed upon those who are liable to the tax by the Government's unsympathetic attitude in this matter, nor is our Association's position made easier by the unfair suggestion that the burden of the tax is self-imposed. In the humble opinion of our Association, the Government cannot be acquainted with the circumstances in which the so-called covenants are entered into by the ignorant people who are subsequently victimised by their own innocence and the iniquity of a system that they have never understood and that has gone far to demoralise them.

"Our Association respectfully expresses the opinion that such covenants entered in ignorance are not binding upon those who have, by what amounts to fraudulent pretences, been induced to become parties to them.

"On behalf of our Association, therefore, we venture respectfully to protest against the hard and un-Christian sentiment contained in the second paragraph of your letter and to express the earnest hope that even now the Government may be pleased to redeem their assurances, and thus terminate a scandal of long-standing."

The Bill

On the 13th instant the House of Assembly had a final sittings at the Immigrants Regulation Bill, which came back from the Senate with some amendments (says the *Natal Witness*).

Mr. MEYLER (U) (Weenen) proposed a further amendment, designed to protect the rights of persons born in South Africa, under the Cape Act of 1906.

Mr. FISCHER (Minister of the Interior) pointed out that this had already been discussed in both Houses, and he declined to re-open the subject.

The amendment was negatived, and a similar fate befell another amendment proposed by Mr. Meyler, which has also been discussed before.

[The amendment sought to place ex-indentured Indians amongst unprohibited immigrants.—Ed. I.O.]

Mr. ALEXANDER (U.) (Capetown) proposed that the Bill should come into force in October next, instead of August. This also was negatived.

The Bill was again sent to the Senate for "certificate."

An Appeal

Writing on the 3rd instant to the *Cape Times*, the Rev. R. Balmforth says:—

"With reference to the interview with Mr. Gandhi, which appeared in yesterday's *Cape Times*, may I suggest that before the Immigration Bill passes the Senate some attempt should be made to explain and carry out the honourable understanding which we all understood had been arrived at between the Government and the heads of the Indian community through the Hon. Mr. Gokhale. None of us, I am sure, wish to see the whole wretched business of passive resistance entered upon again, and men of culture and refinement sent to hard labour in the prisons, especially upon matters which could easily be arranged by mutual trust. It must be borne in mind that our Indian friends are not asking for unrestricted immigration—

they are only asking that the restrictions shall not be such as imply dishonour or inherent racial inequality. All of us agree that the indiscriminate admixture of races of widely different customs and civilisations is unwise, and the leaders of the Indian community recognise this also. If the Government would allow the Hon. W. P. Schreiner to act as intermediary, I feel sure that some understanding would be arrived at which would safeguard South Africa, and at the same time satisfy our Indian fellow-citizens. I write as Acting Local Secretary of the Universal Races Congress, and though we have had no formal meeting, as our members live at great distances apart, I feel that I am giving expression to their views. Many of the members of the Congress, I may say, have made a special study of racial questions, and their views should carry some weight."

Funds for the Struggle

As the struggle seems to be impending, an English lady has sent in aid of it her only golden chain which she thinks she has no right to keep or wear whilst her Indian sisters and brothers are likely to suffer imprisonment for getting redress of injustice. Mr. Gandhi, to whom the chain has been given, will sell it to any friend who may prize it as a memento and token of the bond between the two races whom the Union Government, the enemies of this continent, of the Empire of which it is a part and of both the races—European and Indian—would put asunder, if they could.

Mr. Natesan has cabled £100 from Madras for the same cause.

A movement, it would appear from our Indian exchanges, is on foot to collect funds in aid of the struggle.

News in Brief

Mr. Hajee Ismail Hajee Aboobaker Amod Jhaveri, the son of the late Mr. Aboobaker Amod, landed in Durban during the week and was welcomed by many friends.

The Secretary to the Indian Bazaar Committee announces further gifts from Mrs. Rev. Phillips, Mrs. V. Lawrence (Durban), Mrs. Jannabai K. T. Gajjar (Somerset East), Mr. Parbhoo Ratanji and Messrs. B. P. Ebrahim and Co.

The Union Parliament was prorogued on the 10th instant until September 19th.

We have received a telegram from Johannesburg to the effect that the Fordsburg cases have been won. This has reference to the attempt that was being made to remove Indians from Fordsburg. We hope to report these cases next week.

The *Star* (London) says:—"The madness of Europe beggars all comment. France, Germany, Russia, and Austria are all rushing like Gardaiene swine down the precipice of armaments into the sea of war."

In his notes on the debate on the Natives' Land Bill in the Senate, the correspondent of the *Natal Mercury* writes:—Senator Schreiner appeared to have the viewpoint, rather, of the educated native. He spoke with a moral earnestness, an intellectual grasp, an emotional glow, and a precision of flexibility of style which proclaimed him easily the orator of either House. I do not compare him with Mr. Merriman, whose genius, supreme in its own way, is wholly different—except to say this: that Mr. Merriman cannot touch the deep notes as Mr. Schreiner does. He makes his hearers uncomfortably aware that they have a conscience inside them, and for a speaker in Parliament that, I should say, is the last triumph.