

Indian Opinion

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REVIVAL OF PASSIVE RESISTANCE

WITH the hope that some satisfactory understanding might be come to in regard to the position of British Indians under the Immigration Regulation Act, negotiations have been going on between the Minister of the Interior and Mr. Gandhi ever since the Act was passed. These negotiations have now reached a point where it is impossible to avoid a renewal of the struggle.

Mr. Gandhi addressed the following letter, dated the 28th June, to the Private Secretary to the Minister of the Interior, Pretoria:—

"I have endeavoured to study the Immigration Regulation Act, and observe with thankfulness that it is an improvement upon the original Bill. But I respectfully beg to point out that it fails to carry out the provisional settlement of 1911 in at least four important particulars. In my humble opinion, if redress is granted in regard to these four particulars, the policy of the Government will not be affected, and yet the terms of the settlement as my countrymen read it will be just, but only just, satisfied.

"The points are:—

- (1) According to the definition of the term "domicile," those indentured Indians who arrived after the Indian Immigration Law Amendment Act of 1895 and their descendants appear to become prohibited immigrants.
- (2) The descendants of this class, although born in South Africa, will, if the above interpretation be correct, be unable henceforth to enter the Cape Province.
- (3) Women married in South Africa according to the rites of Indian religions and going to India and returning with their husbands will not be on the same footing as those married in India. Nor are the hundreds of women married according to non-Christian faiths provided for by the amendment.
- (4) The Free State difficulty seems to remain as it was before.

"With reference to the first point, in view of the fact that the Minister has respected the right of the South Africa-born Indians to enter the Cape, if they are born of Indian parents domiciled in South Africa but not of indentured parents indentured after the Natal Act 17 of 1895, it seems to me to be a small matter for the Government if they were to recognise the status of the descendants born in South Africa of those Indians who were indentured after the Act of 1895. I am sure the Government do not intend to set up distinctions between one class of Colonial-born Indians and another.

"Nor can it affect the policy of the Government to recognise the right of domicile of such indentured Indians themselves. There could not be more than seven thousand such Indians at the outside. This

number, compared with the Indian population of Natal, which is estimated at 133,000 cannot fairly be deemed a dangerous permanent increase to the Indian population, especially when it is borne in mind that these men are wanted by the Europeans of Natal.

"To the Indian community both the first and the second points are of the highest moment. According to the judgment of the Natal Courts, these men, if they are paying the annual tax of £3, have a right to remain in Natal as permanent residents. Are they now to become prohibited immigrants? I presume that the Government do not intend to deport them; but do they intend to enforce the provisions of the Act as to trading or the holding of land by them?

"As to the marriage question, the difficulty raised by me is, in my humble opinion, obvious and calls for consideration.

"As to the last point, in the correspondence that took place between General Smuts and myself doubt was expressed whether, in spite of the reservation clause, the declaration referred to in Section 8 of Chapter 33 could be required of an Indian who might be permitted to enter that Province under the new Act. What the people of the Free State want, I hope, is, not a humiliating declaration from an Indian immigrant, but his legal disability to hold land, to farm or to trade. If this be particularly mentioned in the Act itself, they cannot reasonably object to the removal of the clause which required the declaration.

"For the moment, and for the purposes of a settlement, I do not raise the question of the ousting (now only partial, I admit) of the jurisdiction of the Supreme Court and the other drastic provisions of the Act which at once make it far more illiberal than the previous Provincial Acts which it replaces.

"If Mr. Fischer considers that it is possible for the Government to meet the Indian community and give an assurance that the necessary amendments will be made next year, and if he considers it worth while to discuss the points personally with me, I shall be pleased to wait on him. I hope that Mr. Fischer will see his way to consider my letter in the spirit in which it has been addressed. I beg to assure him that I have no desire to precipitate an acute crisis, which is certain to arise if no settlement can be arrived at between the Government and the Indians.

"In the event of an appointment being made, it will be necessary to discuss at the interview the administration of the Act as to the admission of married women in cases where the marriage is not monogamous, as also the mode of regulating the entry of educated Indians. I do not discuss them here for fear of making this letter too long and because I believe that, if the

law can be set right, the question of administration is a comparatively easy matter.

"I need hardly say that I have, throughout this letter, assumed that there are no other existing rights disturbed by the Act which have not formed the subject-matter of correspondence, telegraphic or written, between the Government and myself.

"As I shall await your reply before advising my fellow workers, may I ask for a telegraphic reply?"

The foregoing letter resulted in telephonic communication followed by an interview with Mr. E. M. Gorges who asked Mr. Gandhi to reduce to writing the points discussed between them. Mr. Gandhi therefore wrote as follows on the 2nd July last:—

"With reference to the interview between us this morning, and in accordance with your wishes, I reduce to writing the points discussed between us:

"1. With reference to Indians born in South Africa and their right under the Cape Immigration Act to enter the Cape, in my opinion, under Section 5 of the new Act, such men will not be able to enter the Cape by reason of the Proviso of Section 5. If the Government intend to recognise their right to enter the Cape on proving their South African birth as heretofore, they can do so without further legislation, by regulations that would exempt them from the operation of Section 1 Clause (2) of the Act. It may be observed that if such Indians can pass the simple education test of the Cape, they can enter that Province under Paragraph A of sub-section 2 of Clause 5. As you are aware, most of the Col. born Indians have passed the Government Indian schools and possess sufficient knowledge to undergo the Cape examination. It is also a well-known fact that throughout the time that the Cape Act has been in force, hardly any South African born Indian not belonging to the Cape has endeavoured to migrate to that Province; the reason is that there is no scope for them there.

"2. With reference to the indentured Indians who entered Natal under the amending legislation of 1895, as I have already told you, the Natal Courts have held that these indentured men, after they have finished their indentures, are free to settle in Natal and could not be treated as prohibited immigrants if they have not re-indentured themselves, and that after three years' residence without indenture these people acquire under the Natal Immigration Act full rights of domicile in the same manner as other Indians; such Indians now appear to be affected by the definition of the term "domicile" in the present Act. I have already told you that we have obtained best legal opinion in Natal, which is to the effect that the definition does not cover such Indians and that their rights will not be affected by the new Act. However, I do not wish to take upon my shoulders the responsibility of advising my countrymen that they may be guided by that opinion alone. It is my sincere desire that any points which I at least can foresee should not be left open or not entirely understood. If the Government, however, give the same interpretation to the term "domicile" that our Counsel does, an assurance to that effect settles this point. Let me state it as clearly as I can. We are not seeking to gain any new rights for indentured Indians, but we are anxious that their present rights should be left intact, and these according to the belief of the Indians are that, if an indentured Indian entering into a contract of service after 1895, having become free at the end of his contract, does not re-indenture, lives in the Province for three years, then goes to India and returns, he has a right to re-enter under the present Immigration Law of Natal by reason of his 3 years' free residence.

"3. As to the Free State, I have drawn your attention to the letter from General Smuts to the effect that, in his opinion, possibly the Free State declaration was not required. If that is the legal position according to the opinion of the legal advisers of the Government, a statement to the effect that such is the position will

meet the difficulty. I venture to suggest that the declaration that will be required in terms of Section 19 of the new Act may have all the disabilities printed at the back thereof, including Section 28 of the new Act. Then there need be no repetition of a declaration when a British Indian is recognised as an immigrant for the Free State.

"4. As to the marriage question, in view of the Searle judgment it is absolutely necessary to legalise Indian marriages celebrated or to be celebrated within the Union. This can be done by amending the new Act by removing the words "outside the Union" from the marriage clause of the Act, or by amending the Marriage Laws of the different Provinces, authorising the Government to appoint Marriage Officers for different denominations whose certificates as to the celebration of marriages according to the rites of the respective religions of the parties would be recognised as proper proof of marriage.

"With reference to the marriage amendment in the new Act, I understand that only monogamous marriages will be recognised, and I appreciate that nothing more can be done in law at present, but an assurance is necessary to the effect that the present practice of admitting one wife of an Indian immigrant so long as she is the only one in South Africa, irrespective of the number of wives he might have in India, will be continued.

"Then there will remain the question of polygamous marriages. As I have told you, there are not many such cases, but it is necessary to admit or readmit plural wives of Indians who are already resident in South Africa. No new polygamous unions need be administratively recognised. A list can easily be prepared of those who have more than one wife either in the Union or outside it. My remarks are naturally applicable to the children of these unions also. I may point out that, in the July of 1911, General Smuts gave the assurance that special cases of polygamy would be considered by the Government.

"I think that I have now exhausted all the points we discussed. If you think that there is anything omitted or that I should supplement this letter, kindly let me know. It is clear to me that the solution of this difficulty is very easy because, with the exception of the marriage difficulty, all the points can be settled without an act of Parliament.

"If a settlement is arrived at, it will be necessary to discuss the mode of admitting new entrants and the number for the various Provinces. May I suggest that, if the solution suggested by me is considered acceptable by General Smuts you should telephone to me, so that I can come over to Pretoria and a final letter setting forth the terms of the settlement may be given to me. I make the suggestion, so that there may be no correspondence necessary in order to elucidate any doubt that might arise as to the language of any letter that might be given to me, and the question of new entrants could also then be discussed. I have told you how urgent the matter is, and may I rely upon your courtesy to let me have an early reply?"

"I am sending this letter, per Mr. Rangji Dasal, who will be at your disposal to carry any communications you may wish to send me, and, if you require me at the telephone, you have only to ring up 1635, and I shall be at the telephone from wherever I may be.

"The negotiations were suspended for a time by General Smuts, desire, owing to the unfortunate civic disturbances in Johannesburg that took place at the time. When, however, quiet was restored and things assumed their normal appearance, Mr. Gandhi addressed the following wire to Mr. Gorges on the 11th August last:—

"Wrote Mr. Lane last week. I observe he is on leave. Could you please ascertain and wire whether General Smuts could now deal with my proposals. Will wait on him if required. Wire Phoenix."

To the above, Mr. Gorges wired as follows:—
 "Yours yesterday. Your proposals are receiving Minister's careful consideration and he hopes to let you know a little later what his views are, as he wishes first to consult his colleagues. I will advise you in due course whether necessary for you to come here."

On the 19th August last, Mr. Gorges wrote to Mr. Gandhi as follows:—

"Referring to our previous correspondence on the subject of the Immigrants Regulation Act, 1907, I beg to say that the points you raised have been fully considered by the Minister, and as General Smuts' request, I will now indicate what view he takes of them."

"1. Your first point was that the descendants of indentured Indians would not in future be able to enter the Cape Province by reason of the proviso to Section 5 of the Act. General Smuts requests me to submit that this is an entirely new point and one not raised by you when all the matters at issue between the Indians and the Government were dealt with by you in your correspondence with him in January and February, 1912. Your letter of 29th January to the Private Secretary and your telegram of 1st February referred to the right of educated Indians to enter the Cape and Natal Provinces from other parts of the Union on passing the education test provided in the Immigration Laws of those Provinces, while your letter of 13th February, 1912, contained a specific statement that passive resisters could have nothing to complain of if the present legal position, namely the ability of educated Asiatics to enter Natal or the Cape from the Transvaal (and presumably from Natal to Cape and vice versa) by passing the education tests provided by the respective laws of the Provinces is retained."

"I have only to refer you to paragraph 7 and 8 of Minister's Minute 902 A. of 20th December, 1910, printed as enclosure N. 1. 8 to the White Book (Cd. 5579) to make it clear that the Union Government have all along regarded it as impossible to allow Indians born in Natal to migrate freely to the Cape, and until you raised the matter for the first time in your telegram of April 9th of this year to me the Minister was not aware that your community had any views on the subject at all."

"The rights of the educated Indian inhabitants of any Province to enter the Cape and Natal by passing the education test prescribed in the recently repealed immigration laws of those two Provinces are fully secured by sub-section (2) of Section 4 of our new law and as you yourself pointed out in your last letter (2nd July) to me most of the Colonial-born Indians in Natal have passed through the Government Indian Schools and possess sufficient knowledge to undergo the Cape test. You also stated that it was a well-known fact that throughout the time the Cape Act was in force hardly any South African-born Indian, not belonging to the Cape, has endeavoured to migrate to that Province as there is no scope for them there. In view of all these facts, the Government cannot conceive that the Indian community now wishes to make a grievance of the fact that provincial boundaries have been maintained in the new law, and General Smuts trusts that the position created by that law will be accepted. You will be aware also that the point was fully discussed in Parliament last session and the very strongest exception was taken by members representing constituencies in the Cape Province to any proposals for allowing non-educated Natal-born Indians to enter the Cape."

"2. Secondly, in regard to the position of the indentured Indians under the definition of "Domicile" in the new Act, the Government takes the view that the provisions of paragraph (f) of Section 5 of the Act would apply to any such Indian who has resided under annual licence or pass in Natal for three

years or more after his indentures expire and who leaves the Province with the intention of returning thereto, and that this view is not affected by the definition of domicile in Section 5 of the Act."

"3. Thirdly, with regard to the question of the declaration required under Chapter XXXIb. of the Orange Free State Law Book General Smuts has no difficulty and rather sees an advantage in notifying all educated Indians admitted into South Africa of the disabilities that Indians are under in the Orange Free State. Steps will be taken to have these disabilities specified on the form of declaration which is required under Section 19 of the Act."

"4. Fourthly, General Smuts is quite prepared when some suitable occasion presents itself for dealing with the consolidation of the Marriage Laws of the Union to make provision for the appointment of special Marriage Officers for denominations other than Mohammedan, upon its being shown that there is a demand by the members of such denominations for such appointments and that these are suitable persons in the different communities on whom the appointments could be conferred. The present practice of admitting one wife of a 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 solemnized according to tenets which recognise polygamy or that she is one of several wives married abroad, will be continued so long as she is his only wife in South Africa, but General Smuts regrets that it will not be possible to go further and admit plural wives of Indians who are already resident in South Africa."

To the above, Mr. Gandhi replied on the 24th August last:—

"I thank you for your letter of the 19th instant. I have come to Johannesburg in order to attend the Doka Memorial Service and shall be here for a few days. If therefore, General Smuts desires my presence in Pretoria, I would be pleased to come down. I submit the following for General Smuts' consideration regarding the points dealt with in your letter:—

"As to South Africa-born Indians, it is perfectly true that I did not raise, in the correspondence of 1912, this point, it had entirely escaped me until a friend drew my attention to it. But I assured the friend that no difficulty need be anticipated as the correspondence setting forth the provisional settlement of 1911 protected all existing rights of British Indians. I freely admit that I do not lay claim to a full knowledge of all such rights possessed by my countrymen throughout the Union or even the Transvaal. The fact that very few South Africa-born Indians availed themselves of the right was used by me to show that the Government had no occasion to fear a sudden influx into the Cape of South Africa-born Indians if the right was retained. From the Indian standpoint I wanted to emphasise the fact that we were fighting for the sentiment, viz., that the liberal and reasonable view, taken by the old Cape Legislature, should be left untouched. And I fear that I must press that view again on General Smuts' attention. I have already submitted that the Cape members laid stress on this point because the Right Honourable Mr. Fischer fostered it. I submit without a knowledge of the facts, the view that there was a large influx of South Africa-born Indians into the Cape. I observe that your letter seems to suggest that I am asking for a breaking of the provincial boundary altogether. Though this would be a legitimate desire, I have not asked for it as I know that it is not part of the provisional settlement."

"As to the second point, I am glad that the Government interpretation agrees with that of the Indian community."

"As to the Free State difficulty, the point raised by me has not been understood. I do not ask for the sake of asking, that the attention of intending immi-

grants should be drawn to the disability. But I have submitted that the wording of the Act seems not to require the declaration in question at the Free State border. If such is also the Government interpretation of the Act, the Free State difficulty could be solved without any statutory alteration. In order to allay anxiety on the part of the Free Staters, I suggested that the disability in the Free State might be notified on the general declaration to be made at the first port of entry at the coast. I need hardly say that I have assumed the legal possibility of an Indian being permitted under the new Act to enter the Free State.

"As to the fourth point, the question of the legality of the marriages already solemnised in South Africa of the resident Indian population, as also of the marriages hereafter to be solemnised within the Union, is of vast practical importance. A definite assurance that legislation will be introduced next session is necessary to settle this very thorny problem. Regarding the plurality of wives, I have not asked for a general recognition of polygamy. All I contend is that, in continuation of the practice hitherto followed, existing plural wives of domiciled residents should be allowed to enter. And this was the assurance given in the letter quoted by me in my correspondence with you. The number of such wives could be easily ascertained at the present moment, and the toleration may be restricted only to the number so ascertained.

"I observe that cases have already arisen in Natal out of the new Act. I cannot help remarking that the marriage case is inconsistent with the assurance contained in your letter under reply. For Kulsambibi is admittedly the only wife in South Africa of her husband. I would respectfully suggest that the case be withdrawn and the lady set free. The other cases are regarding domicile. The Government contention seems to be that, even where there is no dispute as to facts or the *bona fides* of the holder of a certificate of domicile, his right should be impugned if he has been long absent from the Province of domicile. If such is the Government interpretation of the new Act, existing and acquired rights are threatened. And in the event of a decision unfavourable to the Indian community, a position will be created that would be totally intolerable and inconsistent with the provisional settlement as also the declaration of the Right Honourable General Botha and other members of the ministry that there is no desire to harass the resident Indian population. I, therefore venture also to suggest that these cases may be withdrawn. I have assumed that you are fully aware of these cases. They are reported in the current issue of INDIAN OPINION.

"May I ask for an early reply?"

As much delay was being caused in getting a final decision, Mr. Gandhi wrote the following note on the 3rd instant to Mr. Shaw, the Assistant Secretary for the Interior, before leaving for Phoenix:—

"As I informed you through the telephone, to-day, I am leaving for Phoenix tomorrow. But, before I leave, I would like to draw General Smuts' attention to the eagerness and impatience with which many of my co-workers are looking forward to some final answer. Indeed I have even been blamed for writing the first letter. Their impatience is natural. All our activity is at a standstill. Several have been obliged to refuse offers of handsome employment owing to the suspense. I hope, therefore, that among the many important matters that engage General Smuts' attention, this will find its proper place. If nothing definite is vouchsafed by Tuesday next,—the day given by you—may Mr. Gorges' letter be taken as the final answer? I would also like to mention that, if the negotiations now going on prove abortive, the struggle will be revived on a wider issue. Several most important items have been omitted from my correspondence for the purchase of securing a settlement and in order to show that we are not pining for a revival of the struggle.

"I hope that General Smuts will appreciate the spirit in which this letter has been written."

The following wire was received by Mr. Gandhi on the 10th instant in reply to the foregoing:—

"Am directed by Minister reply your letter 24th August. As to first point, regrets he can add nothing to statements already made in my letter 19th idem. Second point calls for no further action. As regards third point, there is no difficulty, as any declaration made would be on entry into Union and not at Free State border. With regard to marriage question, cannot give any assurance that a marriage law will be introduced next session on lines asked by you which would apparently alter whole basis of existing law in South Africa. Your reference to an assurance given to you that plural wives would be admitted not understood as I can find nothing in communications from this Department to that effect. Should you please elucidate? Regarding appeal cases at Durban, these you refer to are apparently still *sub judice* and Minister would consequently not be able to interfere.

To the above Mr. Gandhi replied on the 10th instant as follows:—

"Thanks for wire. Fear reply makes revival struggle imperative notwithstanding every effort minimise points of differences. Regarding polygamous marriages refer Minister Association letter 5th July 1911 and Interior reply 10th same month."

Immigration Appeal Board

The Immigration Appeal Board (says the *Natal Mercury* on Monday last) resumed its sittings, the members present being Mr. Percy Binns, K.C., chief magistrate (president), Mr. Maurice S. Evans, and Mr. G. W. Dick.

The adjourned appeal of Jamal Wali a barber, was proceeded with, Mr. Goulding appearing for the appellant.

The appellant was re-examined as to his interests in Natal prior to his return to India. He said that although he had gone to Maritzburg to look for his former partner, he (the appellant) had been unable to find him.

The president pointed out certain discrepancies in the witness's evidence, and the latter said he had become excited when first before the Court.

In reply to Mr. Maurice Evans, witness admitted that he had been guilty of an untruth—an admission which he also made in answer to a question by Mr. Dick.

By Mr. Evans: Witness took £50 with him when he went to India in 1911, and returned with £15, which he had borrowed. He intended to return to the same man with whom he had been partner, or to start business for himself.

Mr. Goulding said that apart from the question of the appellant's veracity, or romance, the real issue for the Board to consider was whether he was entitled to admission by reason of his holding a domicile certificate. He had been away only for 18 months.

Mr. Darby, immigration officer, maintained the appellant had not now a domicile in South Africa. Whatever interests he had were in India.

The President said the case was one of considerable importance, and the Board would take the opportunity of going through the evidence. The fact that the appellant had left Natal only in September 1911, was a factor that must be taken into account when considering the question of domicile. Equally important to consider was: what were the man's intention when he left Natal. Did he leave with the intention of not coming back again? The Board, therefore, would take the opportunity of going through the evidence carefully. They were extremely anxious that they should not be influenced on the main issue by state-

ments of the unfortunate character that they heard that day.

The appeal was then adjourned.

The next appeal was that of Mistree Lalloo Vassen. Mr. Goulding appeared in support of the appeal.

In this case the appellant, a carpenter, received a certificate of domicile in 1905, when he left for India, leaving no interests in Natal.

The matter was adjourned till Saturday as also were two other appeals. One of these was made on behalf of a Mauritian, who arrived in Natal in 1899 as servant to an officer in the 60th Rifles. The appellant had since then served as house servant to Dr. McKenzie, subsequently kept a boarding-house, and in 1907 returned to Mauritius, where he had resided since. He left no property in Natal save some furniture, but he had interest in a house and half an acre of land in Mauritius. He acquired no domicile in Natal, which he entered after passing an examination test. Mr. C. Binns appeared for the appellant.

From the Editor's Chair

NO SETTLEMENT

WE regret to have to inform the readers of this journal that the negotiations that were going on between the Government and Mr. Gandhi regarding the new Immigration Act have proved abortive. We publish the full text of the correspondence between the parties. Revival of the struggle is now a certainty. The correspondence shows, in our opinion, how obtuse the Government have been. What was asked, on behalf of the Indians, was, indeed, very little. But the Government evidently invite passive resistance, and they should have it. The wonder is that so little was asked for when much more could, with perfect justice, have been demanded. A settlement without a settlement spirit is no settlement. And the Government have not only lamentably failed to show any spirit of settlement but they have, by their handling of the General Indian question, shown that they are not actuated by any friendliness towards Indians. It is, therefore, as well that there is no settlement. It is much better to have an open fight than a patched-up truce. Either the Government are themselves unwilling to treat the resident Indian population with fairness or they are powerless in the face of the solid wall of prejudice. Probably they are both. In any case, it is necessary for us to suffer, and, by our sufferings, remove the mists of ignorance that pervade so many people on this question. We feel that nothing but quiet, sustained and dignified sufferings of passive resistance will dispel that ignorance. And removal of ignorance means instantaneous redress.

As Mr. Gandhi has pointed out in his note to Mr. Shaw, revival of the struggle must mean an extension of the programme. If the community must suffer, it is better that it does so for all the serious and well-understood grievances. Thus the administration of the existing laws should be much less harsh than it is. The Gold Law prosecution in Krugersdorp betrays a desire on the part of the Government to drive out the Indian trader. The administration of the new Act affords unmistakable proof of the Government's desire to put every obstacle in the way of an Indian, no matter of what standing, re-entering his Province. The operation of the licensing laws of Natal and the Cape aims at the extinction of Indian trade, and the retention of the £3 tax on ex-indentured Indians perpetuates a scandal which the community is bound in honour to remove at any cost. It is due to the poor tax payers that their more fortunate brethren should take up the cry. And it is equally due to Mr. Gokhale that passive resisters should fight unto death for the removal of this obnoxious tax. The Colonial-born Indians'

right to enter the Cape on the strength of their South African birth must be protected. The marriage law affecting Indian wives must be purged of its offensive character. Everyone of the points we have mentioned is worthy of passive resistance. The fight, this time must be for altering the spirit of the Government and the European population of South Africa. And the result can only be attained by prolonged and bitter suffering that must melt the hearts alike of the Government and of the predominant partner. May the community have the strength and the faith to go through the fire!

A £3 Tax Prosecution

It is a curious coincidence that an extraordinary £3 tax double prosecution which we are able to report this week almost synchronises with the revival of passive resistance which is to include in its programme this £3 inhuman tax also. There is an Indian named Sarjoo who came to Natal under indenture in virtue of Act 17 of 1895 whereby the imposition of the £3 tax was brought about. On the completion of his indenture, Sarjoo naturally became liable for payment of the tax. But he seems to have failed to pay the tax for the past four years or more. For he was brought up before the Verulam Court for failing to pay the tax. The poor man had only £1, which he paid, and stated that he had no more. He added that he got work now and then at Phoenix, the last settler to employ him being Mr. Maganlal Gandhi who is on the editorial staff of this journal. Prior to that Sarjoo was employed by Mr. Kallenbach, the well-known friend of the Indians. Sarjoo's plea of poverty, although the law compels the Court to accept it, proved of no avail. He was, therefore, ordered on the 16th August last "to be imprisoned with hard labour for 30 days unless the balance of £13 10s. be sooner paid." So much for the first part of the tragedy.

On or about the 18th ultimo, a constable came and inquired of Mr. Maganlal Gandhi as to whether he had employed Sarjoo. He gave all the information the officer asked for. On the 29th of the same month Mr. Maganlal Gandhi learnt for the first time that, to have employed Sarjoo, even as a day labourer, without having first ascertained who Sarjoo was, etc., was a crime. The information was conveyed through a summons which called upon him to appear before the Verulam Magistrate and to answer the charge of employing him without the aforementioned inquiry. The section of the Act (39 of 1905), under which Mr. Maganlal Gandhi was charged, runs as follows:—

"No person shall employ, whether as servant or as an employee in any other capacity, any Indian Immigrant who is required by Act No. 17, 1895 or by Act 2, 1903, to take out an annual pass or licence to remain in the colony unless such Indian shall first produce to him the pass or licence then current; or shall retain such Indian as an employee in any year thereafter unless such pass or licence shall have been taken out before the 15th day of July in each year."

The penalty for a contravention of the Act is a fine not exceeding £5 sterling. Section 5 of the Act authorises the employer to deduct 5s. per month from the wages due to the employee which he must pay the Government in part-payment of the £3 tax. Section 6 of the Act disables any such ex-indentured Indian from obtaining a trade licence unless he can produce the receipt for the payment of the tax. Mr. Maganlal appeared on the 4th instant to answer the charge. He pleaded ignorance of the law, but, the magistrate reminding him that everyone was presumed to know the laws of the land he lived in, he pleaded guilty. As this was the first prosecution of the kind before the magistrate, Mr. Maganlal Gandhi was, much to his disgust, cautioned and discharged. "But, your worship" added Mr. Magan-

lal Gandhi "I cannot promise not to employ the man again, if he seeks work and I have it to give him, although he produces no receipt for the payment of the tax." Mr. Maganlal Gandhi felt that, rather than Sarjoo, he should be in prison. But his pleading was of no avail. Thus ended this curious double prosecution, It has a lesson for the Indian community which it dare not forget.

The House of Lords Debate

(Continued)

Lord Amptill further said:—

But the Act is unsatisfactory in other respects.

For instance, it makes no provision for the recognition of marriages solemnised in South Africa according to Hindu and Mahomedan rights. Here I should like to ask why the Despatch of the Secretary of State, dated March 14, on this most important subject—I need hardly explain or dwell upon the importance of this marriage question—was not printed. In the Blue-book. If your Lordships will refer to page 16 of the Blue-book you will see a footnote to the effect that it was not printed. Again there appears to have been a letter from the India Office, sent, no doubt, by direction of the noble Marquess the Leader of the House, a letter dated March 12, which seems also to have referred to this question but which is not printed. I refer your Lordships to page 24 of the Blue-book. Another unsatisfactory feature of the present position is that the £3 Poll Tax has not been abolished, in spite of a very clear understanding, indeed a definite promise, that this should be done. The promise was clearly made to Mr. Gokhale, a member of the Council of the Viceroy of India, who, as your Lordships will remember, undertook a most public-spirited and patriotic mission on his own account to South Africa in order to try and arbitrate on this question. He had no official status, but he went with the blessing of the Secretary of State for the Colonies, who did everything to facilitate his journey and recommended him to Ministers in South Africa. He was received by them with kindness and hospitality and courtesy, which greatly encouraged those who are advocating the cause of our Indian fellow-subjects, and he was able to go on to India and hold out hopes that the question would be settled. The ministers in South Africa definitely promised Mr. Gokhale that this £3 Poll Tax should be repealed, and Ministers told the Governor-General that they had given him this promise. If your Lordships want a proof, I refer to telegram No. 2 in the Blue-book, which seems, in spite of any omissions that may have been made in the editing, to refer to that point. The Bill for this purpose which was introduced into the Union Parliament and immediately dropped only applied to women, whereas the promise to repeal the tax was that it should be of general application.

The fact is that this Poll Tax is required as an instrument for driving Indian labourers into reindenture, and from that point of view, if there is any sincerity at all about politicians, it ought to be utterly abhorrent to those who professed to be scandalised by what they called "Chinese slavery." The Tax is worth only £10,000 to the South African Government. The number who are liable to pay it is 20,000 and of that number only 3,000 ever manage to pay it and that with the greatest difficulty. The rest are too poor to raise the sum of £3, and I leave your Lordships to imagine how they avoid payment and escape imprisonment. It is well known to those who are acquainted with South Africa. Those who have read the Blue-book cannot fail to be struck by the fact that the Imperial Government took very little trouble about this matter in spite of all our anxieties in regard to India, in spite of all the scandals of passive resistance, in

spite of all the protests which they have received not only in Parliament but also outside. If you will refer to page 17 of the Blue-book you will see that the present Secretary of State for the Colonies sent a telegram on May 8, a telegram which is very curiously worded. In regard to that telegram I should like the noble Marquess if he is in a position to do so, to tell me how it came about that there were any doubts in South Africa in regard to the attitude of His Majesty's Government. How could it be that there were any doubts? What business had the Colonial Office to allow any doubts to exist? If there had been no doubts—and this is certain—the matter would have been settled very differently. There was a body of men in the Union Parliament who were thoroughly alive to the Imperial aspect of this question and were doing their best to maintain intact the principle of avoiding a racial bar, but men in South Africa cannot be expected to run Party risks—and we all know in this country what Party risks are—if they think that the Imperial Government are not really in earnest, and if the attitude of the Imperial Government is such as to make doubts as to their state of mind at all possible. It was the Members of the Opposition in the Union Parliament who proposed the Amendments which have made the Bill at all possible and none of these Amendments were suggested from the Colonial Office. The Colonial Office does not seem to have watched the Bill when it was in course of progress; it does not seem to have offered any guidance or advice; and finally, it does not seem to have even taken the trouble to examine the Bill when it had passed through its final stages.

Mr. Harcourt, in his telegram of May 8, declares that the matter is of Imperial importance, and admits that the present position of Indians is extremely unsatisfactory. He repeats that differentiation before the law must be abolished without further postponement. All that is good enough; but he goes on to add that "Indian opinion cannot be expected to be wholly satisfied by the present Bill." My Lords, he knew, then, that Indian opinion could not be satisfied by this Bill. It is evident that there must be omissions in the Blue-book. The protests made by the Indian community, I fancy, are not fully reported. But knowing that why did he say that the Imperial Government were prepared to accept the Bill as a settlement? And worst of all, why did he accept it before he was even acquainted with the text of the Bill as amended in Committee? If your Lordships will look to the chronology of the Blue-book you will see that that is the case. His telegram saying that the Government accepted this Bill as a final settlement was sent before the Bill was amended in Committee and certainly before the final text reached this country, and that in spite of the fact that he had received a telegram saying that there was a clear understanding that Amendments were to be made in Committee. He had every right and opportunity to ask for delay in order to examine the text of the Bill from the point of view of our Imperial obligations. Why, then, should he allow the Governor-General to give assent on the very day after the Bill had passed? And, finally, what requires a great deal of explanation is why the Governor-General did not telegraph the protest of the British Indian community. If your Lordships will look at No. 19, dated May 7—that is the day before Mr. Harcourt's telegram was sent—page 26, you will see that there was a very strong and forcible resolution passed by the British Indian community at a meeting, which resolution was communicated to the Governor-General, who only sent it home by post. He surely ought, if he was at all alive to the duties of the Imperial Government and to his duties as a representative of the Imperial Government, to have telegraphed home an expression of opinion of such immense moment. My Lords, the whole attitude of, I will not say His Majesty's Government, but of the Colonial Secretary as revealed by the Blue-book is one of "We do not want to be bothered any longer with this question."

There is no sign whatever of any conception on the part of the Colonial Secretary of his duty as an Imperial Minister. A great deal can be done without actual further legislation in South Africa, and I happen to know that loyal attempts at arriving at a compromise are being made at this moment. But to help those attempts, to help those on the spot who can further compromise, it is absolutely necessary to show that the Imperial Government is not satisfied, that the Imperial Government is really concerned for our good name and prestige in India, and that the Imperial Government is not regardless of the honour and credit of British rule. I hope I shall not be given the answer, the rotten answer, that this is a self-governing Colony, and that we cannot interfere in the domestic affairs of South Africa. That answer won't wash with anybody nowadays, because the people in this country have seen that the South African Government cannot even maintain law and order without the assistance of British troops. And as for saying that it is a domestic affair, I only call to witness the fact of the feeling which this question has aroused in India, the admission of the Colonial Secretary that is a matter of Imperial importance, and the fact that the noble Marquess has anxiously concerned himself about it. My Lords, I believe to a great extent there is fear of offending the susceptibilities of statesmen in South Africa, and if that is the case I really cannot understand it. Surely it is easier to come to an agreement with friends than it is with strangers. Surely it is easier to make a bargain with our kith and kin in the Dominions across the seas than it is with foreign nations. Would we hesitate for a single moment to tell any foreign nation, whether it be great and powerful or small and feeble, what we demanded on behalf of British subjects residing within its borders? Well, then, why should we be afraid to tell South Africa what consideration we deem to be due to His Majesty's Indian subjects who live there?

Again I must repeat that this is not merely an opinion of my own. I am only repeating what responsible statesmen have said in regard to the rights of our Indian fellow-subjects ever since this question was first raised. Cannot we tell our partners in the Empire, for that is what the people in South Africa are, freely, frankly, but firmly, what conditions would be fully acceptable to us in the matter, which they do not deny to be one of mutual concern, or, as the Colonial Secretary rightly puts it, of Imperial importance? My Lords, I do know this, and I have felt it all these years that I have endeavoured in vain to attract attention to the cause of our Indian fellow-subjects—I know this, that ten days of Mr. Chamberlain would have settled this question, but the lamentable fact remains that ten years of Mr. Chamberlain's successors have only made the matter go from bad to worse.

LORD SYDENHAM: My Lords, I cordially agree with the noble Lord who has brought forward this subject, that it is one which ought to be discussed in your Lordships' House because it has long been an Imperial matter of high importance. No one who has not lived in India during the last few years can realise how wide and deep is the feeling which has been aroused by the treatment of Indians in South Africa. To the irreconcilable class, of course, this treatment has provided serviceable weapons for attacking our rule, weapons which they well know how to use. They could, and did, represent the grievances of their fellow-countrymen in South Africa as proof alike of the impotence and of the neglect of the British Government. But far more important is the painful impression which has been produced among the loyal majority upon whose support we are able to count, and upon whose support we may have to count still more in the difficult years that lie before us.

I am speaking from personal knowledge and with vivid recollections of the great public meetings held in Bombay when I say that this impression, which has now ranged right across India and which covers

alike native States and British territory, is a very serious matter in its bearing upon our rule and our position in India. Indians of all communities actively engaged in business, who take ordinarily no part whatever in political movements, have been profoundly touched by the grievances of which they have heard, and the great masses who are quite unable to judge legal technicalities are perfectly capable of understanding when they are told that injustice is being done to their brethren in South Africa. It is not easy, as I have found, to explain to an Indian why it happens that we are not able to secure for our Indian fellow-subjects as much consideration in some parts of our Empire as in foreign countries, and yet this is a melancholy fact.

I do not propose to refer to the early history of a long controversy, which may be traced back to the London Convention of 1884. Since the establishment of the South African Union this controversy has assumed a new aspect, and the most important document bearing on the present situation is the Despatch of the noble Marquess the Leader of the House, dated October 7th, 1910, when the noble Marquess was Secretary of State for the Colonies. That Despatch deals categorically with the grievances under existing laws and plainly indicates the views of His Majesty's Government not three years ago. It points out that this long outstanding controversy—

"has led to the imprisonment of many Asiatics who are normally self-respecting and law-abiding British citizens and to the deportation of a considerable number, and it has been a source of very grave embarrassment to His Majesty's Government in their relations with the Indian Empire."

The Despatch pointedly refers to a "pledge" given by Indian leaders that as regards the Transvaal they would be satisfied if three specific concessions were made to them. Dealing with the grievances in Natal, the noble Marquess trusted that Ministers—

"will recognise the great services of the Indian population in developing that province, not only by remedying specific grievances so far as possible, but also by exerting the whole power and influence of the Union Government to secure considerate treatment of them, especially by the municipal bodies with whom they are brought into contact."

While the noble Marquess commended the treatment of the whole of the Union as one immigration area, he was careful to add—

"Any solution which prejudiced or weakened the present position of Indians in Cape Colony and Natal would not be acceptable to His Majesty's Government."

The noble Lord has drawn attention to this plain statement, which has special significance at the present juncture.

At the risk of wearying your Lordships, there is one other passage which I should like to read, because it sums up the views of His Majesty's Government in regard to the question of immigration in terms which I venture to think are unexceptionable. The Despatch says—

"I need hardly repeat in this connection that His Majesty's Government, while strongly urging that the proscription by Act of Parliament of the inhabitants of one part of the Empire by another is open to the gravest objection both from their point of view and that of the sufferers, fully recognise the right to a self-governing community such as the Union to choose the elements of which it shall be constituted, and it is in no way their desire to press upon your Government to admit immigrants whom the people of South Africa are resolved to exclude. They only ask that the exclusion of such immigrants shall not be provided for in a manner which subjects them to unnecessary humiliation."

I think it is a great pity that the Government of India were not able to publish this Despatch soon after it was sent. Blue-books do not always reach India and are not closely studied by Indian editors, and this particular Blue-book was published a year and a-half after the Despatch had been written. I do think that an announcement of the views of His Majesty's Government as expressed in this Despatch, if made by the Government of India, would have done much to mitigate the resentment so widely felt. At least it could not then have been said, as it

was said, that His Majesty's Government were not championing the cause of British Indians in South Africa. General Botha's Minute of December 10th, 1910, on the Despatch from which I have quoted was eminently reassuring. He wrote—

"Ministers consider that Lord Crewe's suggestions in reference to the three points afford a fair and reasonable basis for action."

He concluded with the following words—

"Ministers venture to express the hope that the solution of the difficulties which have surrounded the residence of free Indians in South Africa which has been suggested by His Majesty's Government and agreed to by Ministers will be accepted as final by all parties concerned."

I fear that I have given a dull recital of past proceedings; but I want to make it clear that His Majesty's Government carefully explained what they were prepared to accept, and that there was an agreement on the main points of the controversy to which both parties might be expected to adhere. As the noble Lord has said, the Bill of 1911 failed to pass. Another attempt to legislate in 1912 also broke down, and we are now face to face with the Immigrants Regulation Bill of the present year. It is impossible not to be struck with the contrast of the treatment of this latter Bill with that accorded to its predecessor. The one was carefully examined and commented upon. It was also sent to the India Office for criticism. The draft of the other Bill was sent from Cape Town on April 9th last and passed its Third Reading in the House of Assembly on May 26th. On May 8th the Secretary of State for the Colonies telegraphed that—

"While Indian opinion cannot be expected to be wholly satisfied by the present Bill, His Majesty's Government, having regard to all the circumstances, are prepared to accept it as a settlement of the Indian immigration question."

It is true that the time was short, but it was not impossible to hold back assent to allow for necessary consideration.

The noble Lord has explained his reason for holding that the new Bill conflicts in some important points with the views of His Majesty's Government in 1910 and with the agreement thus apparently reached. I agree with the noble Lord that the provisory note attached to Clause 5 will have the effect of prohibiting South African-born Indians from entering Cape Colony. This right they now have, and it seems unfortunate that it should be taken away by law, more especially since no trouble has arisen in Cape Colony. The second point is that, under the definition of "domicile" in Clause 30, as I understood it, an ex-indentured Indian in Natal who has to pay £3 tax and acquired rights of domicile under existing laws may find himself a prohibited immigrant. It is said that another interpretation is possible; but in such an important matter there should be no ambiguity whatever. If this clause had been examined in the Colonial Office the flaw would certainly have been discovered.

The main question now is whether the stipulations made by His Majesty's Government in 1910 have been carried out. I have quoted the important passage in which it is stated that any weakening of the position of Indians in Cape Colony or Natal "would not be acceptable to His Majesty's Government." My Lords, this position is weakened by the Bill which has now been passed. I do not know the precise interpretation of the words "not acceptable." They may mean only that a measure is not liked by His Majesty's Government, or they might mean that the measure is one to which His Majesty's Government would never agree. But at least the use of these words might have been expected to be followed by some protest when "not acceptable" measures were adopted by the Union Government. My Lords, we have to consider the situation as it stands to-day and to arrive at the best way of dealing with it. The cardinal fact is that the Indians have now accepted the principle of the exclusion of future immigrants. Mr. Gokhale, after visiting South Africa, informed me that he had come to the conclu-

sion that it was useless to press for the right of free admission, and His Majesty's Government have stated that they have left this matter in the hands of the Union Government. I think that we ought not to lecture that Government on its duties to the Empire. But surely we may say to them this, "You are putting a stop on future immigration. You cannot any longer say that you are in danger of being swamped by an influx of Asiatics. This being so, is it not absolutely incumbent upon you sympathetically to treat all the Indians who have the right to live in your territories, to administer your laws generously, and to end the pin-pricks which, perhaps more than your actual laws, have produced the grievances from which Indians have suffered?" I believe that a policy of this kind consistently enforced would be in the best interests of the South African Union itself.

Is it not an axiom of economics, that every intelligent, industrious, and law-abiding citizen adds something to the strength of the State to which he belongs? His Majesty's Government have borne strong testimony to the vitally important part played by Indian labour in the development of Natal. And is there not a lesson to be drawn from the work done in Natal? The present grave troubles on the Rand are not unconnected with the prevalence of abnormally high prices of the necessaries of life, and high prices may be due to the lack of the means of distribution. The economic progress of the Union is not so satisfactory that it can afford to dispense with any industrious workers. I believe that the flaws in the present Bill to which the noble Lord has referred, could be removed with positive advantage to the Union if its Minister would take a broad view of the problems which lie before them. I imagine that this Bill cannot now be disallowed; but its operation might, perhaps, be postponed by mutual agreement. It was suggested some time ago, I think by the noble and gallant Earl who was distinguished Commander-in-Chief in India, that if the Indian Government would send one of their high officials, who would be trusted by both parties, a settlement might be negotiated. Now that the issues have been narrowed and simplified, I venture again to put forward this proposal. It seems to me that the present Bill could be amended without great difficulty in such a way as to bring about a settlement of this long and most disturbing controversy—a settlement that would be for the common good of both parties in South Africa and would heal the running sore which has too long affected the body politic in India.

(To be continued)

Colonial Produce Dealers

The *Natal Mercury* of the 1st instant has the following regarding colonial produce dealers:—

An ordinance, regarding which there was very little discussion at the time, was passed last session by the Provincial Council, which provides that in future dealers in Colonial produce (who, up to the present have been able to trade without a licence) must in future take out an ordinary retail dealer's licence.

The ordinance comes into force to-day, and, as there seems to be some little misunderstanding regarding its effect, it may be explained that no fresh licence has been created under the ordinance, but simply that the preference which the dealer in Colonial produce previously had—in that he was entirely exempted from the Licensing Law—ceases. All persons who carry on business as dealers in Colonial produce will now have to make application to the Licensing Officer for the Province (Mr. Wynne-Cole) in the usual form for a licence, and they will be subject to the same conditions as regards suitability of premises as are the holders of all other trading licences.

The new ordinance will have considerable effect in the suburbs of Durban, whereon so many of the roads

stalls have been opened where the vendors claim to be dealing only in Colonial produce.

[NOTE: The change is simply this: the exemption in the old Stamp act read:—"dealers in colonial produce alone," and the following words have now been substituted therefor: "Dealers in unmanufactured produce of the Union of South Africa."—Ed. I.O.]

Immigration Regulations

Mr. Parsee Rustomjee, Chairman of the Zoroastrian Anjuman, has addressed the following reply, dated the 11th instant, to the Secretary for the Interior:—

"I have the honour to acknowledge the receipt of your letter of the 21st ultimo, in reply to mine of the 15th ultimo, regarding the regulations framed under the Immigrants Regulation Act.

"On behalf of the Anjuman, I respectfully submit that most of the objections raised by my Anjuman are to principles and not to details. Lapse of time will certainly fail to affect principles. That certificates of identity whose applicability is limited to a period of one year would be of infinitely less value than the permanent certificates that were issued under the old Natal Act is a fact of which the value will not be affected either way by lapse of time. Nor will the fact of the imposition of the fee of £1 for even inter-provincial visiting permits be affected by time. In the humble opinion of my committee the objections on its behalf merit early and favourable consideration.

"With reference to the appointment of Immigration officers as members of Appeal Boards, their inclusion is open to serious objection in spite of their not deciding all the individual cases themselves in the first instance. They are the officials who are responsible to the Government for administering the Act in accordance with their instructions and they are the officials who will, my committee presumes, issue instructions to their subordinates. They, therefore, could not be considered unbiased judges applying their minds without preconceived ideas to cases before them. My committee, therefore, strongly urges that the appointment of these officials should be cancelled in order to give the public interested in the proceedings of the Appeal Boards a sense of security and to inspire that public with confidence in the decision of these Boards."

"No Colonials Need Apply"

A Mahomedan paper of Lahore protests against the appointment of Mr. Paul, from New Zealand, as professor at Muir College, Allahabad. It maintains that those Crown Colonies and possessions of Britain that decline to accord Indians the common rights of subject races of one great Empire should have no claim to appointments in any shape in this country. It is difficult to imagine what fair argument can meet the suggestion that, should Great Britain be proved to have ceased to produce a surplus of intellectual and enterprising men willing and capable of serving the Mother Country in this distant dependency, the next batch of candidates for consideration ought to be efficient Indians of integrity. If there is any branch of public service to which Indians are peculiarly fitted by hereditary instincts and ancient traditions, combined with adaptability to modern environment, it is the educational department. The lofty tone and good discipline of an educational institution under the direct superintendence of an Englishman is of course, notorious, but it is questionable whether Colonials command the same respect, especially when drawn from places like South Africa, where the off scourings of Europe have persuaded themselves into a belief that the Indian belongs to an inferior species of the *genus Homo*. Under any circumstances, a Government, actuated by a due

sense of equity and justice must set its face sternly and strongly against the importation for official posts of men whose own countries set up the bar of colour against Indians. Henceforward the Government of India owes it to the King's Indian subjects to see that the rule of "no Colonials need apply" is strictly adhered to in this country.—*Bombay Chronicle*.

"Spiritual" Advice

Before leaving Krugersdorp the Rev. J. Kubu gave his congregation this piece of advice:—

Watch against the danger of the Asiatic, the Coolie, here in Krugersdorp. Many of you are busy making a coffin for yourself and your posterity. You deal with the Asiatic because his goods are cheaper than those of the European, and you forget that the Coolie, like the Kaffirs, can live much cheaper than the white man, and can therefore sell cheaper. You forget that the money of the white trader remains here, and is brought into circulation; that the white trader lives together with you here, often supporting your Church, whilst the money of the Asiatic is sent out of the country. It is a fact that there are Coolie shops here which make some £300 during big *Nachtmaal* times, and not long ago I read in the *Volkstem* the assurance from a correspondent that the Coolie shopkeepers during *Nachtmaal* celebrations at Lydenburg with difficulty carry the bag of money to the bank on the following Monday. The Coolie is getting rich, and the white man is going to the moon. And now I am well aware that their are white shopkeepers who go insolvent owing to the Coolies, and that they are just the people who in pre-war days agitated for the Asiatic, because he is a British subject; but they will now have seen their error themselves. You, congregation, be warned! It will indeed be a joy to me if I know that no member of the Hervomde Church of Krugersdorp buys from a Coolie. But if it be otherwise; be warned, you are digging a grave for yourselves and your children.

Narayansamy-Nagappan Scholarships

The Secretary of the Indian Women's Association advises us that the memorial for the late passive resisters, Narayansamy and Nagappan, is to take the shape of scholarships, tenable at least for four years, at the rate of £15 per year, for education in India of South-Africa-born Tamil youths. The conditions attached to these scholarships are that the scholars should be over the age of 12 years and up to or under 18 years; secondly, their qualification should be tested by a Committee to be appointed by the Indian Women's Association; thirdly the scholar or scholars that might be selected by the Committee shall remain during their educational course in India under the guidance of those whom the Committee may appoint, and that any independent action on the part of the scholar shall forthwith disentitle him to any payment after the exercise of such independence. The fare for the outward and return passage shall be paid out of the Memorial Fund. The scholars shall be selected out of the children of parents who are unable to find the expenses of the education in India of their children. The character of the children will be the final test. The number of scholarships will be announced in due course. Application should be made, with full particulars, to the Secretary of the Indian Women's Association, Box 6522, Johannesburg, on or before the 30th September next. Parents are requested to supply all the particulars available regarding the boys whose names they wish to submit as Narayansamy and Nagappan scholars.

English Press Comments

After dealing at length with the four Indian objections which have already been summarised in these pages *The Times* proceeds:—

There are thus four important points in which the Indian objections to the Act seems to be well based and to demand immediate consideration. The Blue-book published last week presents a curious picture of the care exercised in so grave a matter by the Imperial authorities. Such amendments as have been introduced into the Act—and some are most important to the Indian community—have been pressed on their own initiative by three or four members of the Opposition in the Union Parliament—particularly by Mr. Schreiner, Mr. Drummond Chaplin, and Mr. Duncan. Lord Gladstone apparently took no steps to call the attention of the Colonial Office to the protests publicly made by Indians, or to ascertain whether there were any points in the Bill which might require Imperial consideration. The Colonial Office, on its side, was equally apathetic—except that it went out of its way to cable approval before it could possibly have considered the final text or the full bearing of the measure. The Union Government has, however, shown itself so reasonable throughout that means may surely still be found of satisfying Indian opposition. If, for instance, Ministers would now give an undertaking to introduce amending legislation in the sense desired next Session, the Indian leaders might allow the Act to go into force meanwhile without resistance. Two at least of the Indian objections can be met in the meanwhile by sympathetic administration; and the Indians might well accept an assurance to that effect and a promise of legislative redress as soon as Parliament meets next year. If such a compromise can be arranged, it will reflect the greatest credit on both the Indian leaders and the Government.

"Westminster Gazette"

Lord Amphil in the House of Lords raised the question of the position of British Indians in South Africa under the Immigration Restriction Act, a measure which comes into force to-morrow. This measure is an attempt to come to a compromise on a very difficult and delicate problem; but unhappily the compromise is not one which satisfies the Indian community in South Africa. On various points they take objections which, we are bound to say, seem not to be unreasonable, and it is much to be desired that the South African Government should do something to meet their views. We know full well that the Government has no easy task in reconciling South African and Indian opinion, but the matter is one on which we are clearly entitled to ask South Africa to take a large view of its Imperial responsibilities. The situation in that country, in which the assistance of Imperial troops has been asked for by the Union Government, shows clearly enough our inter-dependence, and we can legitimately call upon the Union Government to help in a matter in which any affront to the Indian community in South Africa could not fail to have unpleasant consequences in India.

At the last meeting of the Hon. members of The Orion and a number of the Indian public present by invitation, Mr. Leitch, the Superintendent of the St. Aidan's Sunday Schools, who has been addressing the several E.C.M.S Chapters in Durban on the unjust incidence and inequity of the £3 tax on Indians, discussed the question with the meeting, relating his experiences at the several meetings addressed by him. He has been unostentatiously working in the cause Endeavouring to win the active and practical sympathy of the members of these Christian Societies.

News in Brief

The Port Elizabeth Hindu Benefit Society, at a recent meeting, passed a resolution of condolence with the family of the late Mr. Dōke.

Last Tuesday we received from the Football teams that have arrived in Durban from Johannesburg and Kimberley a visit to our settlement. The visitors passed the day on the Press grounds and expressed themselves satisfied with their day's outing. Mr. David Ernest was in charge of the party which consisted of 42 jolly-looking strong young men who, Mr. Rustomjee remarked, would all make splendid passive resisters.

At the Annual Congress of the Association of Chambers of Commerce of South Africa, to be held next week at Kimberley, the Ladysmith Chamber will move:—"That in the opinion of this Congress it is advisable that facilities for trading by Asiatics be curtailed, that the number of licences issued to them be gradually reduced, and that eventually there be appropriation of businesses of such traders, and compensation paid by the Government."

A boarding school for Indian girls has been opened at Sydenham by the St. Aidan's mission with the object of providing a school where girls may continue their studies beyond the fourth standard. The monthly fees are moderate. In addition to the usual standard teaching, laundrywork, housewifery, cooking, needlework and lacemaking will be taught. The term commences on the 1st October. The Rev. Baillie will furnish full particulars to those interested.

Reuter cables from London that Lord Amphil has contributed a vigorous article to the *Empire Review*, in which he champions the cause of the Indians in South Africa. He condemns the failure of the New Act to fulfil the promises made, and declares that its real object is to drive free Indians back to the status of indentured Indians with enforced residence in locations, conditions which, in the case of the Chinese working on the mines, were described as slavery." Lord Amphil brushes aside the excuse that it is impossible to interfere in the affairs of a self-governing Dominion, and says that it cannot get on without our interference. Even ordinary law and order cannot be maintained without the aid of British troops, and concludes by saying that its very existence depends upon the British Navy.

To admit that the Indians in South Africa were subjected to serious racial disabilities and in the same breath to utter the hopeless cry of *non possumus* is a confession of Imperial impotence which has staggered all India (says the *Bengalee*). To refuse sanction to this Bill, so degrading to Indian self-respect, was clearly within the competence of the Imperial Government. Not to have exercised its legal right or enforced the most ordinary considerations of justice and fair treatment, was a plain abandonment of an obvious duty. That is how all India regards the action of the Imperial Government. A mere expression of sympathy will not do—a compliment, however well merited, bestowed upon Mr. Gokhale will not satisfy Indian public opinion. We wanted the enforcement of definite measures which will remove from our countrymen in South Africa disabilities which are exasperating to them and galling to our self-respect. . . . In the meantime our countrymen will watch the progress of events in South Africa with intense interest. They feel that the question deeply affects them. Are we to be treated outside India as British subjects, or hewers of wood and drawers of water, with the stigma of an inferior political status branded on our brows?—That is the question of questions which is at issue.