

Indian Opinion

No. 20—VOL. XX. FRIDAY, MAY 19TH, 1922.

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

NOTES AND NEWS

REU-TER, Ahmedabad, gives the news of the sentence of Maulana Hazrat Mohani in the following manner. The message is dated May 4:—

The judge refused to accept the verdict of a Native jury that the accused was not guilty in the case of Hazrat Mohani, who headed the movement for separation from the Empire at the Moslem Congress, and sentenced him to two years' rigorous imprisonment for sedition. The judge referred to the charge inciting to wage war against the High Court.

If the above message is true—for the truth of Reuter's messages in connection with the situation in India has often been doubtful—the judgment will no doubt be worth recording in the history of British Rule in India, for it is an instance singular in its kind where a judge has actually ignored the decision of the jury.

Since the above the news of the arrest at Allahabad of Mr. Devdas Gandhi (youngest son of Mr. Gandhi) has been reported by Reuter and its message of the 14th states that he has been sentenced to 18 months simple imprisonment. Under what charge Mr. Devdas was arrested has not been mentioned but sedition is evidently the most convenient charge in India for all those who take part in political movements and we take it that Mr. Devdas also is one of the victims to that charge.

Since the imprisonment of Mr. Mahadev Desai Mr. Devdas had taken charge of the *Independent* in Allahabad where he was an active worker in the present movement. He had gained, we understand, considerable influence among the people and we also understand that he was acknowledged by the people as well as by the authorities to be a preserver of peace. Perhaps that was the grievous crime he had committed!

It is also reported that the Pandit Kamadhari (President of the All-India Congress Committee, Allahabad), and Hardoli Kashiram (Secretary of the Indore Congress Committee) have also been arrested.

Presiding over the Bombay Provincial Liberal Conference, at which all the leading moderates in the Presidency were present, Mr. Sastri is reported to have said he had never known such profound distrust in the Government as prevailed at present. The people wanted proof that the Government really intended to use the reforms for the benefit of the people. The block on the road to peace, he declared, could only be removed by releasing the thousands of youths who had been committed for technical and political offences.

The above Conference is also reported to have passed a resolution supporting staunch adherence to constitutional means; urging acceleration of the pace towards complete self-government, with immediate steps to introduce full responsible government in the provinces; supporting the principle of the equal status

of Indians and Europeans in South and East Africa; demanding a reduction in military expenditure; and upholding the Moslem demand for a revision of the Sevres Treaty.

Lord Inchcape, a member of the Geddes Committee, will proceed to India in the autumn in the capacity of Chairman of the Committee on Expenditure which is to be appointed by the Government of India. The Committee (says Reuter), will to a large extent follow the lines of the Geddes Committee.

A Reuter's message from London dated May 7, states:—An illustrated Sunday newspaper understands that a big reshuffle of the Cabinet is imminent, and foreshadows that when Mr. Lloyd George returns from Genoa he will receive the resignations of the Lord Chancellor (Lord Birkenhead), the Secretary for Foreign Affairs (Lord Curzon), the Viceroy (Lord Reading), and the Home Secretary (Mr. Shortt), who will be succeeded by the Attorney-General (Sir Ernest Pollock), Lord Derby, Sir Henry Wilson, and Sir Hamar Greenwood respectively.

A Reuter's message from Simla dated May 13, states:—On the eve of his departure for Australia and other Dominions to plead the cause and equality of Indians, Mr. Sastri was officially entertained to a banquet by the Viceroy. The latter declared that the mission had the fullest support of the Indian Government. Mr. Sastri, responding, emphasised that mutual understanding and the fullest recognition of equality were essential to a solution of the colour problem. He deplored the Indians' lack of faith in the British Government, and regarded with apprehension and adverse decision on the part of the British Government as regards Kenya and Uganda as likely to jeopardise his mission.

The Committee of Inquiry appointed by his Honour the Administrator of Natal to collect evidence regarding the existing system of education within the Province and to make recommendations thereon has issued a lengthy report, which is published in the *Natal Provincial Gazette* dated 11th May 1922. It will be remembered both in Durban as well as in Maritzburg the Indian community had given lengthy evidences before the above Committee pointing out the inadequate facilities for the education of Indian in this country. The Committee, however, it will be greatly regretted, has not recommended any change in regard to Indian education.

A Government notice appears in the *Union Gazette* dated 5th May that this Royal Highness the Governor-General has been pleased to approve under the provisions of section two of Law No. 25 of 1891 (Natal) of the appointment of Mr. Harry Robinsons, Assistant Protector of Indian Immigrants, Durban to act as Protector of Indian Immigrants, Durban with effect from 1st April 1922 *viz* Mr. J. J. Polkinghorne retires.

We deeply regret the loss sustained by Mr. Albert Christopher by the death of his mother who passed away on Thursday night after a considerably long and severe illness. Mr. Christopher's devotion to his mother was exceedingly great and owing to her illness he had sacrificed many of his desires one of which was that of going to India with the Sporting contingent which he had taken a prominent part in forming. We extend to Mr. Christopher and members of his family our heartfelt sympathy in their sad bereavement.

THE ORDINANCES

FROM the exceedingly persistent attitude taken up by the members in the Provincial Council it would seem that the Indian community in Natal is in for fairly hard times. They have hitherto had one, or the most, two Ordinances to fight against but during the present session there is a wholesale order of Ordinances to be passed aiming at depriving Indians in the Province of their existing rights. Among the various Ordinances introduced in the Council the following are those that in some or other way affect the Indian community: (1) "The Rural Dealers' Licensing Ordinance, 1922" (*Prov. Gazette* 23rd Feb.), (2) "Township Franchise Ordinance, 1922" (*Prov. Gazette* 2nd Mar.), (3) "The Durban Alienation of Land Increased Powers Private Ordinance No. 11, 1922" (*Prov. Gazette* 20th April), (4) "The Racing and Betting Ordinance, 1922" (*Prov. Gazette* 5th May). At the time these lines are being written we find that the first Ordinance has passed through its third reading after a slight omission and addition having been effected during its committee stage. The important addition has been that of a clause giving the power of discretion to the Licensing Board "to issue or refuse a wholesale or retail licence" and that "a decision come to by such Licensing Board shall not be liable to review, reversal or alteration by any Court of Law." This new clause also gives the "applicant for the renewal of a licence" or to "a person who has duly lodged an objection to such renewal," the right to appeal to the Provincial Division of the Supreme Court or a local division thereof for or against any decision given by a Licensing Board. In so far as this clause is concerned, we think, the Ordinance has slightly improved, but on the whole, there is no doubt that the Ordinance will prove a doom to the Indian community. Though the application of the present licensing laws is meant to be general, experience has shown us that they are strictly applied only to Indians; and the new legislation, though it is not a racial legislation in letter, it is clear that it is meant only to prevent Indians from trading. Under the new legislation an Indian applicant will be at the mercy of the Licensing Board composed of members possessing Parliamentary votes, whose decision, in the case of a new licence, will be final. Judging from the strong prejudicial feeling prevalent in this country and especially in this Province it would be foolish to hope that justice would be given by a Board of this description on which members of the type of Mr. Hulett (the introducer of the Townships Franchise Ordinance) may have a chance of being nominated. But, apart from it being detrimental to the interests of the Indian community in this respect, there is also another sound reason to believe that this Ordinance is, if not in letter, in spirit racial. For, had it been in the least conjectured that it would be applied to any other section of the British population in this country than the Indians we are confident that the freedom-loving British people would have killed it at its very birth. We do not believe that the British people have yet lost their self-respect to such an extent as to tolerate justice being given by a few laymen. It would be considered an insult to the British Courts of justice and to humanity. On this ground we consider this

Ordinance to be wholly contrary to British principles and as a community representing a large section of the British population in this country we strongly protest against it.

The second Ordinance has passed through its second reading and whilst in the first Ordinance, although a petition was submitted by the Natal Indian Congress, no opportunity, we understand, was granted to the petitioners to be heard, on the ground that they were heard last year, in this Ordinance, we understand, an opportunity will be afforded to the petitioners to be heard at the bar of the house. The third Ordinance has been referred to a select committee to report within fourteen days. Both the last two Ordinances are in letter and in spirit racial and the former one, though having been vetoed last year, has been re-introduced this year. One aims at depriving Indians in Townships of their existing franchise rights whilst the other aims at depriving Indians of their existing right to own or occupy land in any part of the Borough of Durban and thus also establishing the principle of segregation. Apart from these Ordinances being objectionable on the ground that they are aiming at depriving Indians of their existing rights they are also contrary to the provision of the South Africa Act, and we can but only hope that both these Ordinances will meet with the same fate as the former one did last year.

We have been obliged to put the fourth Ordinance also on the black-list for its one defect, in that it contains a racial clause prohibiting any person excepting "male persons of European descent to bet at a club-room." Had this clause been generally applied and even more stringent laws enforced to put an end to this evil it would have no doubt been hailed by every civilised nation as an act befitting a civilized Government. So far as Indians are concerned we know that the evil of betting has morally depraved our brethren and in many cases have ruined whole families of those who have taken part in it. Betting has been introduced by the Western people and is in other words a legalized civilized method of gambling. Drink and gambling are evils that can only lead to the downfall of a nation, and a nation that wishes to rise and prosper will have to bury these evils for ever. We will hail the day with joy when not a single Indian will be seen at the race-course taking part in betting. We consider this restriction a blessing to Indians and our protest against it is not because we wish it be removed but that it should be applied generally. We wish that our brethren would go even further than this restriction and stop taking part in street betting or any other betting. They will thereby raise their standard of morality and of civilisation. While this restriction will benefit the Indian community to a great extent, we are afraid that to the Anti-Asiatics who cry out that the Indian does not live up to the standard of the white man, its effect will not be a pleasing one. For, like many other restrictions this one will also enable the Indian to save more and waste little.

NATAL INDIAN CONGRESS

PROTEST AGAINST MACKBURNAN'S MOTION AND PROPOSED ORDINANCES

A mass meeting of the Indian community was held in the Royal Bio, Victoria Street, Durban, on Sunday last, the 14th May 1922. Mr. R. B. Chetty (Vice President) in the unavoidable absence of Mr. Amod Bayat the president of the Natal Indian Congress presided.

The chairman before proceeding with the business of the meeting referred in sympathetic terms to the loss sustained by Mr. Amod Bayat by the death of his mother-in-law and moved a resolution of condolence which was passed unanimously.

In the course of his address the chairman said "That

we have learned with regret that Hazrat Mohani had been sentenced to imprisonment for two years by the presiding judge though the jury had found him not guilty. Hazrat Mohani was a patriot of whom any country may be proud, and you would be asked to pass the resolution which would be submitted to you. There were other matters nearer home.

There is much proposed legislation against us in the country but we are at present particularly concerned with the provision of certain Ordinances now before the Provincial Council of Natal and the resolution of Mr. Mackeurtan on segregation and the discussion on it in the Assembly.

The Rural Dealers' Licensing Ordinance was passed last year by the Natal Provincial Council notwithstanding our opposition but vetoed by the Governor General. Re-introduced this year it has passed the second reading without a select committee being appointed on it. With the result that though Petitioning against the terms of this Ordinance we have not the opportunity to give evidence against it. Mr. Hollander on behalf of the Provincial Executive in moving the second reading said, that the same Ordinance was before the select committee last year but that it was now presented amended in certain respects as suggested by the Law advisers to the Crown but to us the Ordinance is practically the same as that passed last year and its passage in the Provincial Council now appears to be *pro forma*.

Full powers are placed in the hands of five persons who must be Voters and as a European alone can be a voter the board will be final and in effect it will be a law unto itself. There are no provisions made as to the grounds on which a Licence may be refused or for the right of appeal to the Supreme Court. Even the Asiatic Inquiry Commission recommended that the right of appeal should be given and the grounds on which a Licence may be refused be laid down in law. This Ordinance perpetuates the disadvantages to us of the existing Licensing laws. It amends them only in far as to take away the existing rights of appeal from a Licensing Officer to an appeal Board. It places us at the mercy of Europeans and in practice our traders will in due course be wiped out in the country districts and generally it will bring ruin to our Indian traders in Natal and reduce us all to the condition of hewers of wood and drawers of water, for, what hope will we have even though born in the country to get a Licence. Boards of the proposed nature have rendered the Indians helpless to protect themselves and we have a glaring case in the Immigrants appeal board from which there lie no appeal to any Court of Law.

The Townships Franchise Ordinance was passed last year notwithstanding our opposition but was vetoed by the Governor General. Re-introduced this year it like the Rural Dealers' Licensing Ordinance is being passed by the Natal Provincial Council *pro forma* though we have Petitioned against it. It seeks to disenfranchise us and if it become law it will more than ever place us in the hands of Town Boards which even under existing conditions are constituted of Europeans to do without let or hindrance their whims or fancies dictate to us who will then not have even an indirect say.

The Durban Land Alienation Ordinance introduce the deadly inhuman and un-British principle of kralling human beings who may be weak at the will of those who have the might and force to back them; but it is not without its worsening effects upon those who employ it.

And Mr. Mackeurtan's motion advocating the principle of segregation and the discussion on it in the Union Parliament, were it not for the manly notes of dissent from a few British stalwarts in the House would make us believe that the Britishers were ceasing to be a freedom-loving race who were wont to believe would have others be as free as themselves. It is men like the Honourable Mr. Merriman who help to sustain the faith in subject races that there is hope for them in

the British people. Much has been said in the House particularly by Sir Abe Bailey which will not stand investigation. Take his allegation for instance that we only contributed seven hundred odd men to do our part in the great war. This is only partly true. On the outbreak of war we offered to bear arms or serve in any capacity and only after much hesitation the Government accepted the offer but only to the extent of our serving in a Stretcher Bearer Corps and at the rate of fifteen shillings a month. The late Sir Marshall who was then alive encouraged us to do our bit in the Great War notwithstanding the shocking rate of pay and the conditions of service. Members of the community readily joined up and the manner in which they acquitted themselves in the field under fire and in the field hospitals is a matter of history. Any community may be proud of such a record. Are we to be held blameworthy because more men did not go to the front especially in view of the fact that though we were anxious to do more the Government would not avail themselves to the full offer. Sir Abe Bailey and others such as he should more fully inform themselves on a subject before making wild and damaging statements about subject races who have not the opportunity or the right to correct him in the House.

The Betting Ordinance now before the Provincial Council is a measure in the right direction, and deserving of our support especially in view of the demoralising and pauperising effect betting whether on the Race Course or in Bucket Shops or in any other form has on a community and it is within the knowledge of all of us that members of our community are encouraged to bet by Europeans who specialise in them for their own personal benefit. But our approval of the provisions of the Ordinance also carries with it our emphatic protest against racial discrimination in the Ordinance will be amended in that respect.

The Report of the Education Inquiry Committee disavours improvements in our extension of our education of our community and we cannot but deplore that the Committee has dealt with the question of Indian education as it has done.

We are to-day in a critical position in Natal and if these Ordinances including the Betting Ordinance without the removal of the colour bar in it become law, we shall be doomed to helotage, our condition of existence will not only be precarious but humiliating to our manhood and an insult to our nationality.

Messrs. Amod Bayat, Charlie Nulliah, Lutchman Panday, S. R. Naidoo, Shaikh Ameer and A. Christopher have been nominated with Messrs. S. Esmamally, V. S. C. Pather and M. Beethasee Maharaj as alternatives to be a deputation to wait on the Governor-General-in-Council.

The following resolutions were unanimously passed:

1. "That this mass meeting of the Indian community has learnt with regret that Hazrat Mohani, though not found guilty by a jury was sentenced to two years imprisonment by the presiding judge and congratulated Hazrat Mohani on his service to India."

2. "That this mass meeting of the Indian community vigorously and emphatically reiterates its protest against:

- (a) Rural Dealers' Licensing Ordinance
- (b) Townships' Franchise Ordinance
- (c) Durban Land Alienation Ordinance
- (d) Mr. Mackeurtan's motion in Union Parliament on segregation and resolves that representation be made to the Governor-General-in-Council.

3. That this mass meeting of the Indian community views with disappointment of the Education Inquiry Committee against improvement or extension of the education of the Indian community.

4. That this mass meeting of the Indian community approves of the provisions of the Betting Ordinance but strongly objects to racial discrimination in the Ordinance.

5. That the above resolutions be forwarded to the proper quarters."

DURBAN LAND ALIENATION ORDINANCE

CONGRESS PETITION TO PROVINCIAL COUNCIL

The following is the text of the petition forwarded by the Natal Indian Congress to the Provincial Council with regard to the Private Draft Ordinance in connection with alienation of Town land in Durban:—

TO THE CHAIRMAN AND MEMBERS OF THE PROVINCIAL COUNCIL OF NATAL

The Petition of the undersigned humbly sheweth:—

1. That your Petitioners are the President and Honorary Secretaries of the Natal Indian Congress having its Headquarters in Durban.

2. That the Natal Indian Congress with its Branch at Pietermaritzburg represents the British Indian community in the Province of Natal among whom are the Indian Ratepayers and Burgesses as well as the Indian community in the Borough of Durban.

3. That your Petitioners beg to state that an overgrowing number of the Indian community is constituted of British Indians born in the Union of South Africa.

4. That your Petitioners view with alarm the provisions of the Private Draft Ordinance proposed to be introduced into the Provincial Council "To grant additional powers to the Town Council of the Borough of Durban in respect of the alienation of or other dealing with immovable property belonging to the said Borough".

5. That your Petitioners strongly but with respect object to the said proposed Ordinance on the following among other grounds, namely:—

(a) That it is submitted that the proposed Ordinance is *ultra vires* the powers of the Provincial Council.

(b) That it is unreasonable and arbitrary to seek to differentiate between ratepayers and burgesses in the Borough who are subject and conforming to the same obligations and responsibilities under the Borough Laws and to attempt to deprive them of their existing rights in regard to ownership and/or occupation of Borough Lands.

(c) That the policy of racial segregation contemplated in the said Ordinance is detrimental and retrogressive.

(d) That the provisions of the proposed Ordinance do not in themselves justify the measure.

Your Petitioners pray to be heard in person or by Counsel in support of this Petition, or be permitted to give evidence before a Select Committee.

Wherefore your Petitioners respectfully pray that the said Ordinance may be rejected.

And for which your Petitioners as in duty bound will ever pray.

Dated at Durban this 3rd day of May, 1922.

(Sgd.) AMOD BAYAT
President.

(Sgd.) A. CHRISTOPHER

(Sgd.) S. RUSTOMJEE

Hon. Secretaries,
Natal Indian Congress.

169a, Grey Street,
Durban.

THE ASIATIC PROBLEM

Mr. Percy Trotter writes as follows to the *Star*, Johannesburg:—

Sir,—In publishing details of the debate in the Assembly on the above subject in your issue of May 10 you report Sir Abe Bailey as saying that "the Asiatics are the white ants of South Africa, destroying the foundations of our institutions and eating and the roots of the livelihood of the European population." Again, "I am here to preach without fear or favour that the Asiatic has to go." Does Sir Abe Bailey really believe

that the Asiatics, who are but 2 per cent. of the population of the Union, are "destroying the foundations of our institution"? If he does, he must look upon our institutions as particularly rotten to be so easily destroyed by such a weak force. If he wants "to reserve the whole of the Union for the white people," what does he propose doing with the millions of natives who happen to look upon South Africa as their homeland? And cannot we whites be truly described as the "white ants," prospering and thriving as we do (especially on the mines) on the labour of the native workers in the country? Again, without quite understanding what he means by "preaching without fear or favour," may I ask what Sir Abe Bailey will do with the thousands of Asiatics who have been born in South Africa for the past two or three generations, and who know no other motherland but this? It would have been just as unfair for the British Government, after the Boer war, to have repatriated the Afrikaner population to Holland wholesale, simply because some fanatical person had suggested "without fear or favour" that they "had to go." In Krugersdorp the proportion of Asiatics to the rest of the population is less than 1 in 2,000, so really it is very difficult to see what this "large and intelligent constituency" has to be so mightily afraid of from Asiatics. This question of the "Asiatic menace" has been already thrashed out; and the wicked attempt to injure these inoffensive and voiceless people has already been made and has miserably failed. No fair-minded person can possibly see any reason whatever for again raking up an unworthy controversy against a law-abiding and helpless community.

NATAL PROVINCIAL COUNCIL

The adjourned sitting of the third session of the fourth Natal Provincial Council was re-opened at the Council Buildings, Maritzburg, on the 8th instant. Among the Ordinances read a first time were the following affecting the Indian community:—

(1) The Racing and Betting Ordinance 1922, (2) To grant additional powers to the Town Council of the Borough of Durban in respect of alienation of, or other dealing with, immovable property belonging to the borough.

Mr. Arthur Haycock submitted a petition from the Natal Indian Congress protesting against any amendment of the Local Townships Ordinance of 1881, and also against the Ordinance relating to the granting of licences to retail and wholesale dealers in the rural districts of Natal.

Mr. Hulett moved and Mr. D. Sparks seconded "that leave be given to introduce a Draft Ordinance to amend the Local Townships Law No. 11, of 1881, in regard to the qualifications of voters in townships."

Leave as prayed was granted.

RURAL DEALER'S LICENCES

At the Council sitting on the 10th the second reading of the Rural Dealer's Licensing Ordinance was moved by moved by Mr. F. C. Hollander. In moving it he is reported to have said, it might be desirable that he should recount the history of the measure. Last year, in response to a considerable measure of public opinion, an Ordinance was brought forward in which a new principle was contained, to the effect that the granting of licences should be considered by licensing boards instead of the licensing officer. The old Ordinance went before a Select Committee, and was almost unanimously passed by that Council, and under the terms of the Act of the Union it was transmitted to the Government. The Governor-General, however, withheld his assent to the measure, and the Executive Committee asked for the reasons. They were advised that the law advisers of the Crown had taken exception to certain legal points, which they stated required amending. It was a matter for satisfaction, said the speaker, that the suggested change in

the matter of granting licences was not taken exception to. The new Ordinance was a draft of the old measure amended under the suggestions put forward by the law advisers for the Crown. The speakers gave the House the assurance that the main principles underlying the Draft Ordinance which had been passed by the Council had been in no way interfered with. There was, however, to be no appeal from the Appeal Court, and the greatest care had been taken to obviate any change affecting the principle of the measure adopted twelve months ago. He thought if the measure was passed, as he had no doubt it would be passed, it would bring about an entire change of the licensing system of the rural districts of Natal, and would give residents of the districts some form of supervision and control over the trading going on around them. He thought it would prove a beneficent and necessary piece of legislation.

Mr. J. McAuslin seconded the motion.

Mr. Coleman said he thought members would generally approve of the Ordinance, but he thought most of them took exception to the clause of the old Ordinance that the licensing board should consist of a chairman and four other members approved by the Administrator. In these days the board should be elected by the people and nominated by the Government. He would like the Administrator to explain why the elective principle had not been introduced into Clause 6.

Mr. W. Cox said he was glad to find the Ordinance had not been mutilated as a result of the suggestion put forward by the Law Advisers of the Crown. Referring to the remarks of the previous speaker, Mr. Cox said the committee which dealt with the matter were satisfied that it was better for the appointment of licensing boards to be left in the hands of the Executive Committee, as they could imagine what position would arise if boards were elected in some of the country districts and they would get men on the boards whom the members who had spoken would be the last to desire. He thought it would be better for economical reasons for boards to be appointed for each magisterial division.

Mr. C. F. Clarkson congratulated the Executive on having all their principles embodied in the previous Ordinance contained in the present one. The provision of the boards was quite ample, and he was satisfied the people of the divisions who were willing and anxious would be asked to sit on the boards. He was satisfied that the Ordinance would place in the hands of the people most affected a decision as to whether licenses should be granted in their district or not.

Replying to the debate, Mr. F. C. Hollander said with regard to point of Nominated Boards, that the Executive Committee had decided that it was impossible to carry out the elective principle in a measure of that kind. He was satisfied that the principle of nominating was a sound one, and that men appointed would thus be representative of the districts which they represented. Dealing with the criticism of the member for Ixopo, Mr. Hollander pointed out that it would be too costly to appoint boards for each of the 36 magisterial districts. He thought in this connection that if the Ordinance were given a trial in its present form, it was an honest and legitimate attempt to deal with existing licences in rural districts.

The second reading was then agreed to without any amendment.

DURBAN LAND ALIENATION

Mr. Hulett moved: "That leave be now given to introduce a Draft Ordinance to grant additional powers to the Town Council of the Borough of Durban in respect of the alienation of, or other dealing with immovable property belonging to the said borough."

Leave was granted, and the Ordinances read a first time.

CONGRESS PETITION

As the Council sitting on the 11th it is reported that

Mr. A. Haycock (Point) presented a petition from the Natal Indian Congress protesting against the proposed Alienation of Town Lands Ordinance.

Mr. G. T. van Rooyen (Umvoti) gave notice to move at the next meeting of the Council that the Executive Committee should be requested to make the Alienation of Town Lands Ordinance applicable to all municipalities and townships in the Province. The Council went into Committee or the Rural Dealers' Licensing Ordinance and progress having been reported the Council was adjourned until Tuesday morning the 16th.

THE ASIATIC QUESTION

DEBATE IN UNION PARLIAMENT

MR. MACKEURTAN'S MOTION ON SEGREGATION

Capetown, May 9 (Reuter).—I the House of Assembly this afternoon Mr. Mackeurtan, S. A. P., (Umbilo) moved the following resolution: "That this House requests the Government to consider the advisability of the early introduction of legislation which will provide for the allocation to the Asiatic community of any one or more of the Provinces of the Union separate and distinct areas, rural and urban, within its Province, where that community may develop in accordance with its needs and standards of civilisation, due regard being had to the interests of the present and future European and Native population." In speaking to his motion Mr. Mackeurtan pointed out that he had previously postponed the motion on account of the Rand strike, and he hoped the Government would recognise that it was not intended to embarrass the Government. His object was to set forth the point of view of Natal in relation to what was called the Asiatic menace. He said there was no outcome of the resolution passed last year, but there was a deep feeling in Natal that this matter should be attended to sooner or later, and sooner rather than later. The reasons for putting forward this motion were fully stated on the motion last year. He pointed out the danger of two races of different colour mixing in towns under conditions which were found to foster race antagonism. Lord Milner in speaking on the subject, said closer intercourse was beneficial where their outlook differed. The Natal Provincial Council had during the past year passed two Ordinances dealing with Asiatics, the first dealing with the municipal franchise. This Ordinance, which was *ultra vires*, but showed that the racial antagonism was deepening, sought to put the municipal franchise on the same basis as the Parliamentary franchise, and exclude the Asiatics. The second Ordinance dealt with trading licences, and also in the direction of restricting Asiatic trading. The racial antagonism had deepened also owing to other reasons, such as the fact of the high rents charged by Indian landowners in Durban; consequently reputable citizens refused to live alongside Asiatics. All the signs pointed to the fact that the people of Natal were looking for sound relief. The municipality and the Provincial Council were trying to settle the matter, but Parliament had done nothing. He did not want it to be said that he took no account of what was going on in India. The tendency there was to get rid of the British as early as possible, and the Government was placed in a difficult position. But there were other considerations. There must at some time come a legacy to our policy of doing nothing. How could we meet the attitude that Indians were to have the full franchise right through the Union? This was pressed for both by the Government of India and Indians in this country. The agitation would grow, but he asked what right an Indian who claimed full political rights in this country had to be protected by the Indian Government? He maintained that we could not repatriate the Indians without the consent of the Indian Government, which would never be given. Moreover, over half of the 1,000,000 Indians in Natal

were born in this country, and it would be unjust and unfair to repatriate them. The other alternative of doing nothing was only increasing the evil. He, therefore, suggested that definite areas should be established wherein Asiatics would be segregated for social purposes. There was no idea of interfering with their liberty of movement. The present conditions in Durban already approximated to the lines of his proposals, and he pointed out that the suggestion had been made by the Asiatic Commission that Asiatics should not be allowed further inland than 20 miles from the coast. He pointed out that compensation of some sort would have to be given to a trader with vested interests in trading outside the segregation areas.

Replying to objections he pointed out that Indians were brought into Natal at a time of sore difficulty. Moreover, were the people of Natal always to suffer? He pleaded with hon. members not to take up that argument because they imported the Indians some years ago they should for ever put up with them. It was never thought at the time of their introduction that they would become an economic menace. If ideals of Western civilisation were to remain dominant in Natal the question would have to be settled in the way he advocated. He urged the Government to say one thing or another, so that the people of Natal would know where they were. He had no wish to try to embarrass the Government, but he felt that sooner or later the Government would have to deal with this menace to the comfort, welfare, and happiness of the peoples of Natal. (Hear, hear.)

Mr. Marwick (S.A.P., Illovo) seconded the resolution, and quoted Mr. L. Renaud in support of the idea of segregation. With regard to Indians who demanded equal political rights, he pointed out that in India one-fifth of the population was of such low caste that their shadow was a contamination, and yet these people came here and asked for political equality. He further pointed out that the contracts of the original indentured Indians contained a clause providing that they were terminable in India, and it was only because there was no compulsion in this connection that the people of Natal had to lament the large number of Indians in that Province. In 1907 Mr. C. P. Robinson was in favour of the repatriation of Indians, whether the Indian Government approved or not. There had been a great speeding up in the purchase of property by Indians in the last three or four years, and he believed that the low prices that the farmers received for their produce on the Durban and Maritzburg markets was because the Indians had almost a monopoly. There were also moral dangers. The efforts of the Durban Municipality to bring about voluntary separation had not succeeded, and matters at the present were drifting towards a very serious crisis.

Sir Abe Bailey (S.A.P., Krugersdorp) said he hoped that the Government on this occasion would take some notice for once of a private member's motion, and with his amendment, which was to add at the end of the motion the following rider: "and also (a) materially to increase its efforts to ensure the departure of Asiatics from the Union; and (b) to tighten up the operation of the immigration laws as regards Asiatics, and to resist by all means within its power any attempt to relax their operation in this respect." Sir Abe said they could not gainsay that the presence of Asiatics had a deteriorating effect upon the white race. The Asiatics were the white ants of this country, destroying the foundations of our institutions and the roots of the livelihood of the white race. His object was to speed up the repatriation of Indians, for the sooner they left to enjoy the climate of India the sooner we should be at ease. He did not think that the resolution before the House went far enough. Were the Indians desirable and beneficial as residents? No were they a source of weakness, and a danger to South Africa? Yes. And every Indian took the place of a white man and took the livelihood from a white man or forced him to leave

the country. What were the prospects of the 45,000 children born in South Africa last year? Were they to become clerks to Indian traders? They would not be able to grasp any opportunity, because there would be no opportunity. He hoped that Mr. Mackeurtan would go beyond his own motion and support his (Sir Abe's) amendment. If they went through the towns of the Transvaal and Natal they found Indian rookeries, and white traders were being driven out. The position was becoming very acute. Moreover, Indians were spreading through Rhodesia and Nyasaland, and if one travelled from Aden to Durban one saw that the traders at all the ports were Indians. He was told the Indians were now acquiring some of the best land in Natal for sugar-growing. The limiting of Asiatics to 20 miles from the coast in Natal would only intensify the evil in the area. The policy of segregation for the coloured races had been laid down by Lord Milner when at the Colonial Office. His (Sir Abe's) policy was to reserve the whole of the Union for the white people. (Laughter.) Looking at the matter from the point of view of defence, he found that of 158,000 Indians in Natal, 702 took part in the war; out of 13,000 in Kenya, Zanzibar and Uganda, 376 took part, and not one of them was killed in action. Five of them, however, were executed for treachery. He pointed out that the Indians in Kenya were supporters of, and were supported by, Mr. Gandhi, and their leader had said they intended to "bring cannons and rifles and fight for their rights" when the people of India had independence. That was the way there were going to move in Africa. They had even been promised assistance from the negroes in the United States, and they would poison the minds of the Natives against the whites in the Union, as they had already done in Kenya. Much of the unemployment in Europe at present was due to the competition from the large industries that had been started in India, China and Japan, which were driving European goods from the markets they once held. While the nations of Europe were striking against one another the coloured races were looking on, he (Sir Abe) had been sent by an intelligent constituency to Parliament to preach the doctrine that the Asiatic must go.

Some of them thought the Government were adopting a drifting policy. No legislation had followed the report of the Asiatic Commission, and though it was not likely that he would agree to such legislation, yet he regretted this fact, because he believed the House would have tightened it up. Personally he was in favour of compulsory segregation and repatriation. He was in Parliament to look after the interests of our own people, and not of the Indians. They were told that they must consider the Indians because of their loyalty, but no part of the Empire had shown so much disloyalty as India in recent years.

Sir Abe urged a policy of industrial development as a means of combating the Asiatic menace. The Government was a Protectionist Government, but their principles were Free-trade when translated into action. (Laughter.) The United States, Canada, and Australia recognised that the problem of the future was the clash between the white and coloured races, and in this country the problem was accentuated by the presence of millions of Natives, which would make it a comparatively simple matter to turn this into a coloured man's land. This was an ideal home for Asiatics.

Commenting on the attitude of the Indian Government, Sir Abe expressed the hope that South Africa would continue to set its face against interference from that quarter. He hoped his amendment would receive the support of the Government. (Hear, hear.)

Gen. Byron, (S.A.P., Border), seconding Sir Abe Bailey's amendment, said he did not think that either the motion or the amendment went deep enough into a question of a very grave character. He recalled Lord Wolsey's statement that the future domination of the world from the military point of view lay with the

yellow races. No compromise seemed possible to him. The question concerning us was: Were we prepared to grant the political demands of the Indians in our midst? He did not think any party was prepared to do so. Segregation would not meet the situation, and the only remedy was repatriation *en masse*.

Replying to an interjection by Mr. Boydel, Gen. Byron said he was sure that the Natal sugar industry was able to stand on its feet, and was not dependent on imported labour. He instanced Queensland, where there was not a single coloured worker. In the absence of something better he would support the amendment, said Gen. Byron in conclusion.

MR. C. P. ROBINSON'S AMENDMENT

Mr. C. P. Robinson (S.A.P., Durban Central) moved the following additional amendment: "Provided that there shall be no compulsory segregation or repatriation of Asiatics, but that the Government shall proceed on the lines laid down in recommendations 2, 3, 4, 5 and 6 of Section 225 of the report of the Asiatic Inquiry Commission." He said that the Asiatic population had increased by 11'608 to 163,917 in the last eleven years, and of that increase only 3,000 had entered the country, the remainder being by natural increase. After referring to the unavailing warnings he had given in the old Natal days, Mr. Robinson proceeded to point out that the most serious aspect of the situation in Natal was not the present position of the Arab trader, but the remarkable progress made by the descendants of these men, who were capable of taking up clerical posts. Dealing with segregation, he asked what the experience of this policy was in South Africa, instancing particularly the wretched condition of affairs at Vrededorp, as shown in the Asiatic Commission's report. He was strongly opposed to segregation on the impracticable and ill-advised lines now suggested. Were the advocates of segregation really sincere in their intentions on behalf of repatriation it could at least be advanced that it was a frank and open policy. He was quite sure that if a serious effort was made by the Government to induce the Asiatics to return to India or to limit their trading activities to certain districts in this country, a great deal of amelioration of the present difficulties could be effected, even if a complete remedy did not eventuate.

Mr. Hunter (S.A.P. Stamfordhill) said this had become an Empire question. The facts mentioned were enough to give us pause. The grip of the Asiatic on the country was increasing day by day. It was part of the policy that Indians were pursuing in Durban to pay a high price for property in order to acquire a foothold, after which the value of neighbouring property at once declined, and could be brought up cheaply. It was much to be regretted that the sugar interests had put their foot down on the movement for the repatriation of Indians, but now there was not the same need for Indian labour on the sugar fields, and it was sheer selfishness on the part of the sugar interests. The Indian who went in for market gardening was a useful citizen, but the children were a menace, because they entered into competition with the Europeans. The Indian traders did not conform to European traders' standards. He would have nothing to say against their selling to their own people. The trouble was that the stores of the Arabs and Indians on Friday nights were filled with Europeans. It was a very significant fact that neither the sugar industry nor the Durban or Murrumbidgee municipalities had given evidence before the Asiatic Commission. He hoped that the danger would be so brought home to the public mind that something would be done. Why could the Natal Agricultural Union not get its members to agree that they would not sell out to Asiatics? He could not see that the Government could do much for them beyond what they could do for themselves. He was glad the Government had not quite departed from its policy of repatriation, and that many more thousands of Indians would return to their own land.

He was seconding the amendment of Mr. Robinson, because he was totally opposed to compulsory segregation and we must not do anything unjust to those who had acquired rights in this country. We could not segregate compulsorily except by expropriation. But what was to be done if these people were to refuse to be segregated? Were we to shoot them? It was the only alternative. He therefore favoured negotiation. The Indians could be led, but could not be driven. The glory of Britain's colonisation was that she had always been exceedingly fair to all subject races, and as heirs to that tradition we must refrain from doing any injustice to the Indians in our midst.

Mr. Merriman (S.A.P., Stellenbosch) said Sir Abe Bailey had declared that that "the Asiatic must go," but he seemed to remember that hon. member in 1903 declared that "the Asiatic must come". (Laughter). It was no thanks to him that the Transvaal was not run by Chinese merchants and artisans. Now they had got all they could out of the Asiatic they said he must go; we don't like him. What some members said amounted to "Perish the Empire but save Natal." He commented on the fact that a Bishop had joined hands with Sir Abe Bailey's organisation against the Asiatics. He ventured to warn Mr. Mackeurtan that he was treading on a very dangerous ground, and we might find ourselves in a very dangerous predicament if we were to foster the spirit which turned two Japanese naval officers out of a bioscope because they were coloured. The Japanese were influential members of the League of Nations. The people of Natal brought the Indians over. The latter turned their land into a garden; they were docile and good labourers, and now they were to be treated with violence.

General Byron dissented.

Mr. Merriman said that what was proposed would be regarded as violence. He commended the moderate tone of the speeches by Mr. Robinson and Mr. Hunter. It would be a most foolish thing to raise international questions which might have much more far-reaching consequences than they realised.

Mr. Le Roux Van Niekerk (Nationalist, Waterberg) said the Union Government appeared to have no fixed policy on the Asiatic question.

VIEWS OF MINISTER OF INTERIOR

The Minister of the Interior (Mr. P. Duncan) acknowledged the moderate tone of the introducer of the motion and his having withdrawn it when feeling in the House was roused. It was a fact that we had to suffer from the fact that the people of Natal had brought the Indians there, and we had to consider the interests of Natal as a partner in the Union. There were people in Natal who seemed to hold the erroneous view that they should retain the labouring Indians but send away the Indian traders. People who held that view should not come forward with proposals for drastic treatment. But the labourer would not always be a labourer. We had to deal with Asiatics as a whole, and not think we could use them as we wanted and turn them out when we no longer wanted them. He agreed that this was a world problem. They must realise that all the Asiatics here did not all come from British India, and other Asiatic Powers would protest against any injustice. This was a very difficult, delicate and dangerous question which had been raised. The Indian Government naturally showed an interest in the Indians in this country. The attitude they took up was that so long as Indians in this country had no political rights (as they had not, except in the Cape), they were entitled to lend an ear to the grievances of these Indians and seek to redress them, and so long as that was the case we could not deny the Indian Government the right. He did not think the people of South Africa would be prepared to agree to the conceding of full political rights to the Indian community for a long time to come. The question was one of these raised at the Dominions Conference in London last year. He was surprised to hear Sir Abe Bailey holding up Canada

and Australia as examples of follow.

Sir A. Bailey: I said they recognised the problem.

Mr. Duncan said they went a good deal further than we did, because, while excluding Asiatic immigrants, they gave full citizens' rights to Asiatics within their borders. South Africa stated, however, at the Conference that this was a position the Union could not accept. Therefore, even Australia, did not exclude people from their rights because of their colour.

General Byron: They have not any Asiatics.

It might be, said Mr. Duncan, that their number was a negligible quantity, but he mentioned this matter to show that we took up an entirely different standpoint. Therefore, we could not complain if the Government made its voice heard if its people were not receiving reasonable treatment here.

Coming to our own problem, Mr. Duncan said we were apt to forget that the proportion of Indians to Europeans in Natal was far less in 1921 than at the previous census in 1911, in which year they outnumbered the Europeans by nearly 50 per cent., whereas the numbers were now nearly equal. During that period the Asiatics had increased by a little over 5 per cent., and the Europeans by just over 40 per cent., so that the fear expressed by some members that the European population was practically being swamped was not being borne out by the census figures, which showed the contrary was the case. And outside Natal the figures of the Asiatic population were negligible. They numbered about 1,300 in the Transvaal; in the Free State they were merely a handful, and in the Cape the number was nothing very serious. Therefore, on the whole, during the last ten years, the position of the Europeans had become far stronger. They had been told by some members that the policy of voluntary repatriation had been stopped by the sugar interests. That statement was not in accordance with fact, which was that the policy was to-day being pressed more vigorously than ever before, and greater inducements were offered. Not only were these Indians being sent over free, but a sum of money was provided for them when they reached India. It was not the Government's fault that they of the labouring class and not traders. This policy of voluntary repatriation was started in 1914, and received a stimulus in 1920. Altogether 12,945 had been repatriated, while the increase in the number of Asiatics in the past ten years was 11,000 odd.

Mr. Beyers (Nat., Edenburg): "One counter-balances the other."

Mr. Duncan pointed out that but for the repatriation there would have been thousands more. The difficulties in the way of repatriation had not come from the sugar planters, but from the Indian organisations, who were opposed to it, and these had also been the means of defeating the proposal to send Indians to British Guiana. They must realise that this problem was one of world-wide importance. He could understand the alarm in the towns at the growth of the Asiatic trading community, but the evidence before the Asiatic Commission had shown that this was not growing. The one thing that the members who had spoken were agreed upon was that the Government should do something, but they were not agreed as to what that action should be. Was the policy advocated by Mr. Mackeurtan a practical policy? He wished any Government joy of the task of attempting to put it into practice. It was difficult enough to obtain sites for native locations or leper asylums; how could they expect to get areas in the country for Asiatic segregation? In opposing the idea of wholesale repatriation, he pointed out that two-thirds of the Indians in Natal were born in that Province. To what country were they to be sent? Was it certain that the Indian Government would take them?

An hon. member: East Africa.

Mr. Duncan retorted that it did not seem they were likely to be popular there. Mr. Duncan went on to express his approval of the action of Municipalities who

sought to set apart areas for Asiatic settlement in their midst, but it was important that such areas should be adequate and suitable for them to live decently. One respectable Asiatic who sought permission to build in the so-called Asiatic bazaar had been told he could not erect property to a greater value than £15. Johannesburg could show what was the result of persistent neglect. Municipalities, however, which did their best to encourage Asiatic segregation would receive Government assistance. The fact that we did not agree to giving Asiatics political equality must make us more jealous of our policy, and careful that we did not inflict any injustice. He did not agree that we could do just what we liked, as Sir Abe Bailey had suggested. He thought the hon. member would find that doctrine would carry him further than he wanted. The Government were not prepared to follow any far-reaching policy, but in view of the great issues involved they felt they must proceed with care. (Hear, hear.)

Mr. Strachan (Labour, Maritzburg North) said Mr. Duncan had made out a very good case for doing nothing. Nothing had resulted from the motion passed last year in the House, and it seemed likely again that the Government would do nothing whatever. Yet the problem was a most difficult one that needed tackling. He moved the adjournment of the debate.

This was agreed to, and the debate was adjourned till the 16th inst.

Natal Indian Congress (Pietermaritzburg Branch)

ANNUAL MEETING

The public is hereby notified that the annual meeting of the Pietermaritzburg Branch of the Natal Indian Congress will be held in the H.Y.M.A. Hall, Church Street, Maritzburg on Wednesday, the 31st inst (Union Day) at 2 p. m. for the transaction of the following business:—

1. Minutes.
2. Secy's Report & Balance Sheet.
3. Rural Licensing Ordinance.
4. Township Ordinance.
5. Rules.
6. Election.
7. General.

Everyone is earnestly invited to attend.

S. R. NAIDOO,
Hon. Secretary.

Pietermaritzburg,
545 Loop Street,
8th May 1922.

The subscription rate is 15s. 6d. for South Africa and 15s. 6d. for over sea.

Printed and Published by Manilal M. Gandhi at Phoenix Press, Phoenix Settlement, Natal.