

FOREWORD.

"Mr. Gokhale's attitude had been perfectly reasonable."—General Smuts to the Pretoria correspondent of the *Rand Daily Mail*, Nov. 14, 1912.

It was at the Indian National Congress last year, at Calcutta, on the resolution relating to the treatment of Indians in the Colonies, that the Hon. Mr. G. K. Gokhale, C.I.E., authorised the announcement of his forthcoming visit to South Africa. The statement was received with enormous enthusiasm by the vast audience of nearly 7,000 people, representing all creeds and classes from every part of India, and it was evident that public feeling in India on the question of the grievances and disabilities of Indians in this country had reached an intensity that required some such occasion for its outlet. Angry talk of retaliation was in the air, and had received expression in the Colonial resolution itself, and the Indian public realised that some possibility of an approach to reasonable and fair treatment could be reached only by such a visit. It is no secret that the Government of India received the news with a feeling of great relief that so distinguished and responsible a politician as Mr. Gokhale had undertaken the formidable task of endeavouring to effect a rapprochement between two apparently irreconcilable parties and ideals, a sentiment tinged, however, with considerable apprehension as to the treatment that might be accorded to Mr. Gokhale himself, by reason of the violent passions that had been aroused, during the last few years in South Africa, the strong prejudice against race and colour that were known to exist here, and his powerful advocacy of the cause of the Indians established in the Union.

That those apprehensions, which were shared by many prominent public men in England, were baseless is plain from the record of Mr. Gokhale's tour through the sub-continent, which has been in the nature of a triumphal progress. Between October 22, when he arrived at Capetown, and November 18, when he left British South African territory, on his return journey to India, he visited nearly every important centre of the Indian population, and during the whole of this time, it is safe to say that scarcely a jarring note was struck. Mr. Gokhale met some of the most prominent men of the country, representing many different and often conflicting interests and points of view, and discussed with them the various problems arising out of an extraordinarily complex situation frankly and fully;

and if one thing more than another was appreciated by all with whom he came into contact it was that he regarded the European position with the utmost sympathy and understanding, and that he had approached his task in a spirit of goodwill, charity, and reconciliation.

Landing at Capetown, Mr. Gokhale proceeded to Kimberley, and thence, by way of Klerksdorp, Potchefstroom and Krugersdorp, to Johannesburg. From here he continued his journey, by way of Newcastle and Ladysmith, to Pietermaritzburg and Durban. Having visited both the North and South Coast districts, he returned to Pretoria, where the tour was concluded. In each of these centres he was received by the principal European citizens, who co-operated with the local Indian communities to make the reception of a man of his ability and distinction as gracious and kindly as possible. The Mayors of the different towns waited upon him at the stations or the town halls to bid him, on behalf of the European population, a most cordial welcome, and to wish him success in his self-imposed task. His benevolent intentions were accepted on all hands, and his frequently expressed appreciation of the difficulties of the European colonists and of the genuineness of their apprehensions against the results of further immigration met with their whole-hearted recognition and gratitude. Here and there murmurs arose at the courtesy shown to a coloured man, even of Mr. Gokhale's eminence, of which examples are reproduced in the body of this souvenir. Here and there ill-balanced press criticisms appeared, calculated to render his task still harder. But, on the whole, his reception was characterised by a chivalry and a generosity that have done honour to the hospitable instinct and the sentiment of fairplay of the people of South Africa.

The Indian community have everywhere welcomed him with unbounded enthusiasm, and have made offering of costly addresses and mementoes, testifying to the deep emotion that his visit had evoked amongst his countrymen here. Scarcely a town or village within the Union, having any appreciable Indian population, but hastened to tender its respectful greeting to the distinguished visitor, and to express heartfelt gratitude for the services that he had already rendered to the Empire, to India, and to South Africa, and for those that his visit was expected to render. Nearly five hundred telegrams of welcome from all over the country awaited

his arrival at Capetown, from individuals and associations, and his departure from the sub-continent has been felt as a personal loss by 150,000 Indians resident in the Union, who have, in one way or another, presented him with a review of the disabilities under which they labour. The affection bestowed upon him and the enthusiasm aroused by his visit amongst his countrymen here, and the regard felt for him personally and as a statesman by responsible Europeans in South Africa, are a tribute to the lofty character of the man, to which, indeed, is due the unique position that he occupies in India as an exponent of popular opinion and a trusted counsellor of His Majesty.

What was it that Mr. Gokhale hoped to achieve by his visit, and what has it actually accomplished? He did not set out to stop or to restore the system of indentured Indian immigration, as has been erroneously supposed by some. He had succeeded in ending it before his arrival, and he, last of all, would have countenanced its restoration, believing it to be servile in its nature. He did not come here to put an end to free Indian immigration. For all practical purposes, such immigration had already been rigorously restricted, thanks to the reasonableness and statesmanship of the local Indian leaders. He came to study the situation on the spot, to encourage his countrymen in the performance of their duty to India and to the Empire, to suggest remedies for their disabilities, to reassure the European Colonists that their fears as to the numerical and political complexion of the country were appreciated and allowed for, and to recall them to a recognition of their responsibilities to the State and to their voteless Indian fellow colonists. It is fair to assume that, to the extent possible in so brief a stay in a country bristling with so many tremendous problems, Mr. Gokhale has accomplished his aim. He has left South Africa with a remarkably full knowledge of those problems and an expert's grasp of the Indian question in particular. The South African Indian community have been rewarded for their years of suffering and hardship by his presence amongst them. The Transvaal Passive Resisters have seen how splendidly their self-sacrificing efforts have resulted in arousing the best of India to a sense of the importance of the issues raised during the memorable five years' struggle. They have the satisfaction of knowing that at last India realises that the status of Indians in the British Empire is involved in the treatment of the Indians of South Africa. It is hoped and believed that the European Colonists—at least those who are open to argument—are reassured that no invasion of self-governing rights, no intention to change the political or racial character of the country, is contemplated. And Mr. Gokhale has, beyond doubt, succeeded in arousing the "better mind" of South Africa to a sense of its Imperial obligations. The Indian question in South Africa has been approached with a gravity and an interest that have never hitherto been forthcoming. It is generally admitted that the grievances of the Indian community are of the most serious importance, and a genuine desire has been evinced to secure the removal of some at least of them. The repeal of the £3 tax is practically assured in the near future, but other disabilities will disappear only with time and a better mutual understanding. Mr. Gokhale's visit has made it clear that the local Indian leaders are not so intransigent as they are popularly supposed to be. Moved by a sense of grave responsibility, they have at no time made demands in excess of those that Mr. Gokhale has himself presented. The Indian community in general have been warned against extravagant hopes, and have been told in uncompromising terms that, whilst India is behind them, whenever they may be engaged in the defence of the national honour, their salvation, in the long run, lies with themselves alone.

In his farewell address at Pretoria, Mr. Gokhale made the following solemn farewell appeal to the Indian community of South Africa.

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

It is but human to expect the miraculous to happen, but the Indians of South Africa must remember that they have gained and can retain the respect of their European fellow-colonists only by a continued demonstration of self-respect and self-dependence. Had they not in the past shown these in some degree, Mr. Gokhale's visit would never have been thought of, and the excellent results that are now hoped for in the direction of a better mutual understanding would be impossible of achievement.

Finally, mention must be made of the courtesy and hospitality offered to Mr. Gokhale by the Union Government. These have been most sincerely appreciated by South African Indians and will no doubt be acknowledged by the Indian people in a spirit of gratitude. Mr. Gokhale was received by General Botha and his Ministers with all the honour and consideration due to so distinguished and well-equipped an "ambassador of the East." As Mr. Gokhale has himself acknowledged, they accepted his representations with sympathy and expressed pleasure at the opportunity that was afforded by his visit to discuss fully, freely, and frankly the difficulties of the situation. General Smuts has testified to the reasonable and responsible manner in which Mr. Gokhale presented his case, and it is certain that the charm of his personality, the vigour of his mind, his great sincerity, and his genuine desire to approach the problem in a spirit of helpfulness have done much to turn the face of the Government in the right direction. The services that Mr. Gokhale has rendered to the Empire and to the people of this country by his visit are incalculable, and it is but natural to look forward to a fitting response to his patriotic appeal. Progress may be slow. Disappointments may be many and frequent. But, though it may yet be darker before it is light, the dawn of a better day is at hand, when the two races will work shoulder to shoulder and with mutual goodwill for the welfare of the Union of South Africa.

H. S. L. POLAK,

Editor of "Indian Opinion."

Johannesburg, 20 November 1912.

APPENDIX I.

PRINCIPAL REPRESENTATIONS, PETITIONS, ETC., PRESENTED TO THE HON. MR. GOKHALE DURING HIS TOUR.

Cape Colony.

East London Municipal Regulations.

East London,
23rd October, 1912

To the Honourable G. K. Gokhale, C.I.E.,
c/o The Indian Association, Johannesburg

Honoured Sir,—We, the undersigned, in our capacity as representatives of the East London Hindoo Society, do hereby tender you a hearty welcome to South Africa. We fully appreciate your great and loyal efforts on behalf of our people, and we have every confidence in the success of your self-imposed mission.

We understand that it is your object to study the problems with which our people are faced in this country, and we accordingly take this opportunity of giving you the following details in respect to our local disabilities.

In the first place, the East London Municipal Regulations are so drafted as to class us with Kaffirs, in so far as our residence and conduct are concerned. We would, in this connection, refer you to—

- (a) Amended Section 32 of Chapter 10 of the Municipal Regulations,
- (b) Section 7 of Chapter 24 of the said Regulations

Both these Regulations are, in our opinion, degrading, and grossly unfair to us as a people.

The Regulations speak for themselves, and call for no further comment from us, but as regards the application or administration of Section 32 of Chapter 10, many of our people have been prosecuted and imprisoned and fined for living in the town. The exemption referred to in the Section applies to those Indians who are willing to carry a pass, or permit, which is granted by the Town Council, which body has the power to grant or withhold permits to Indians applying for the same, the result being that many of our people have been compelled to live outside the town. Furthermore, in terms of the General Dealers Act of 1906 (Cape Province), all hawkers' licences for the sale of goods were cancelled, and the renewals of same have since 1906 been refused in every instance by the Council, causing great hardship among the people. The said Act of 1906 also places the granting or refusal of new General Dealers' Licences, or the transfer of old licences, in the hands of the Town Council, with the result that throughout the country, and more particularly in East London, not a single new licence has been granted to any of our people, nor has permission been granted to transfer any licences from one Indian to another, or from a European to an Indian, and when the present licences lapse through the death or departure from this country of the holders, there will be no further opportunities for our people to trade in this country, and as we have said, no persons of our race can to-day obtain a licence. We maintain that every British subject should be free to trade and earn his living without restraint, and we earnestly pray that you make every endeavour to remove these great and burdensome grievances.

We also suffer from the following minor disabilities:—

(1) TRAMS.—We are not allowed the free use of the trams, and may at any time be requested to leave the trams in the event of their being occupied by Europeans.

(2) MARKET.—At the morning market of East London, which is greatly used by the Indian community, we are compelled to remain on one side, and are not permitted to pass freely through the market and do our business individually, the result being that we are compelled to buy only at such parts as are assigned to us by the Market Masters.

(3) FERRY.—We are not allowed to use the ferry boats used by Europeans, only one boat being available for all coloured people.

(4) PARK BENCHES.—In the public Municipal Park the benches are marked "Europeans Only," and if we and our families desire to go for a walk in the park we are not permitted to sit upon the benches.

All these disabilities we consider unfair.

Trusting that you will give our grievances a small portion of your valuable time, and thanking you in anticipation,

Griqualand West.

To the Honourable Gopal Krishna Gokhale, C.I.E.,
Member of the Viceregal Council of India.

The following are the principal grievances so far as Indians in Griqualand West are concerned.—

- (1) That the powers vested in the Immigration Department are too extensive and are exercised in too arbitrary a manner, and especially with regard to permits to visit neighbouring Provinces, which are often refused without any reason being assigned.
- (2) That the period allowed for absence from this Province (namely, 1 year) is too short; and
- (3) That there is no school available in Kimberley where Indians can be educated beyond the 6th Standard, however well they may be able to pay for higher education;

and the following are the reforms which are suggested:—

- (1) That Indians from one Province be entitled as a matter of right to visit the neighbouring Provinces temporarily unless the Immigration Department shows good reason to the contrary.
- (2) That Indians actually domiciled in South Africa be entitled to absent themselves from the Union for an indefinite time, and
- (3) That a suitable school be established in Kimberley where Indians who are willing to pay for the privilege can be educated to as high a standard as they desire.

Orange Free State.

Anti-Indian Legislation.

Unto the Honourable Gopal K. Gokhale.

We, the undersigned Asiatic Indians resident within the Province of the Orange Free State, Union of South Africa, do hereby and each of us doth present our greetings and humbly submit for your Honour's most careful consideration the following statement of the conditions and disabilities under which Asiatic Indians live within this Province, viz —

- (1) Under the Statute Law of this Province, Chapter XXXIII, of which a copy is attached, no Asiatic Indian may reside in this Province without a permit from the Government, which is only obtained after application and advertisement according to that law.
- (2) No Asiatic Indian in this Province is permitted to carry on any commercial business of farming, and every Indian must take a sworn declaration in the form given in the Schedule binding himself not to engage in such occupations. He cannot hold any real or fixed property within this Province. Only as a servant, and in a restricted and circumscribed condition of servitude can an Indian live in this Province.
- (3) As an example of this restricted and circumscribed condition of servitude the case of David Shankaran, a native of Madras, is a case in point.
- (4) David Shankaran was admitted into the Province of Natal under the provisions of the Act No. 17 of 1895 of Natal, and subsequently was removed from the Province of Natal and admitted into the Province of the Orange Free State under the provisions of the Law above mentioned on or about 1st June, 1910, upon an application by Mr. Alexander Lewis Renne, as secretary of and acting for the Bloemfontein Club, which was granted upon the express proviso and condition that David Shankaran would not be discharged in this Province, but would be returned to Natal at the expiration of his engagement with the club.
- (5) In the month of July, 1912, the engagement of David Shankaran with the club terminated, and he was not sent back to Natal. On the contrary, he got from the secretary of the club an order for a travelling pass to go to Durban and to return to Bloemfontein in fourteen days. When he returned he was told that his services were no longer required. He instituted proceedings for damages for wrongful dismissal before the Assistant Resident Magistrate against Mr. Ashburnham, the Resident Magistrate, and another of the Trustees of the club, and the Assistant Resident Magistrate decided the case in favour of the club. Against

this judgment, David Shankaran lodged an appeal, and according to the opinion of Mr. C. L. Botha, Advocate, he has been harshly treated, if not unjustly treated, by the club, and is legally entitled to damages.

- (6) The case has been heard before the Supreme Court at Bloemfontein upon the question of security which David Shankaran was ordered by the Assistant Magistrate to find as a condition precedent to prosecuting the appeal, and this order has been confirmed, but as no Indians in this Province can hold property or carry on commercial business or agricultural industry, owing to the prohibition contained in the Law mentioned above, it is impossible for David Shankaran or any other Indian in similar circumstances to obtain justice.
- (7) The condition of affairs in this Province with regard to the treatment of Indians who are induced to come to Bloemfontein and to other towns in the Province is comparatively little known, and the most grievous cause of complaint in connection with this matter is that some of these Indians are cast adrift without the chance of remedy or redress. When that happens they are reduced to a state worse than slavery, and it is to this condition of affairs that the Indians desire to direct attention.

The Asiatic Indians, therefore, signing this Memorial, speaking for themselves and in the name of numbers of their fellow-countrymen in this Province, humbly present this appeal to your Honour for most favourable consideration, with the request that your Honour will obtain for them some relief and remedy from the burdensome and unjust conditions under which they live in this Province, and in particular that your Honour will find and provide some assistance for the Indian, David Shankaran, and others similarly situated in this Province, either for the purpose of vindicating their rights in the Courts of Law or providing funds to remove them from this Province, and we shall remain ever

Your most obedient and humble servants,

Brojo Lall Bhuddist, Calcutta, Domingo D' Souza, Bombay; Shankaran, Madras, Halari Lucknow; David Kurrama, Bloemfontein, Louis Fendenes, Bombay, Richard Province, Bombay; Peter, Madras, Pillay, Madras, Tommy, Madras; Ebrahim Somari, Surat, Monian, Madras; Jafta Joseph, Bombay, David Kholi, Poona

Transvaal Pathan Petition.

Honourable G. K. Gokhale

Respected Sir,—I most respectfully submit the following facts regarding our grievances on behalf of the Pathan community of this town.

We are forty persons of this section residing presently here belonging to Indian military service.

We were brought over by the Government during the late Boer War to serve in the time of war. There were 800 persons who afterwards settled permanently, in terms of the Imperial Government's sanction. We were promised every right as the Empire's other subjects, in consideration of our service to the King-Emperor, but every right has been neglected by the present South African Government as far as we are concerned.

We have several times applied and complained of our difficulties to the Government, but up to now no remedy has been offered.

Considering the services we performed no reasonable award has been granted to us by the Imperial Government also.

I therefore most respectfully approach Your Honour on behalf of Indian Pathan soldiers, and submit the grievances we are suffering for consideration and full investigation for due remedy.

I am, dear sir, yours faithfully,

HAVALDAR ABBASKHAN,
of 40th Pathan Regiment

Johannesburg, 1st November, 1912.

Boksburg Indian Grievances.

To the Honourable G. K. Gokhale.

The Indian community of the East Rand are subjected to unique and uncommon hardships. The chief of its kind is the disestablishment of our place of trade and residence, known as the Old Indian Location. We have been times and again, served with notices by the Government and other officers to quit, and as a

result a test case was made by the Indians, wherein the Presiding Judge held that the location was a properly defined and proclaimed location, and even the Government had not the right to disestablish the same without an Act of Parliament and paying compensation to the Indians. In spite of this, only lately we are again served with notices by the Mining Commissioner to remove our properties from this location on or before the 31st of December, 1912. The location, as could be perceived, is in such a filthy and insanitary state that it is simply unfit for human habitation, and to this state the local authorities have allowed it to grow with the express purpose and motive to disgust us and oust us from here. In the town could be seen the troughs of clear, fresh, and hygienic water for the animals to drink out of, whereas we, the British Indians, human beings, and far superior to the animal kind are left to the mercy of the stagnant, muddy, and unhygienic water accumulated in small pools and ditches, and even these are in danger of being dried up owing to the scarcity of rains this year.

NOTICE

NOTICE IS HEREBY GIVEN that all persons residing in the Old Asiatic Location on Vogelfontein No. 5 must vacate the said Location and remove their buildings and erections on or before the 31st day of DECEMBER, 1912, failing which they will be prosecuted.

Dated at Boksburg this 19th day of September, 1912

H. HAMEL,

Mining Commissioner.

Indian Education in the Transvaal.

History of the Movement to obtain a School for British Indians.

June, 1911

At the time of the Coronation festivities the Indians refused to join in with coloured children, and then a separate school for Indian children was mooted in Mr. Cachaha's office.

September, 1911

The Central School Board decided to amalgamate two large coloured schools. Mr. Motan, representing the Indian community, applied for a school for Indians, asking that the building vacated by the coloured be used for that purpose with Mr. Nye as Principal, as 60 per cent of Burgersdorp school had been Indians.

October, 1911.

The new Principal of the amalgamated coloured schools at once strenuously and in many ways unfairly opposed the scheme and has continued to do so on the grounds that his numbers would suffer, and consequently his salary.

November, 1911.

A deputation consisting of Mr. Motan, Mr. Cachaha and Mr. Begg waited upon the Acting Secretary of the School Board, and laid before him the need of a separate school for Indians. The deputation completely satisfied the Acting Secretary. It was then arranged for a deputation to wait upon the School Board. Mr. Motan and the late Mr. Godfrey did so, showing how it was not right on social, religious and other grounds for Indians to mix with half-castes. The Chairman of the Board informed the deputation that if an Indian language was to be taught the Indians would have to fall in line with the Jews and Germans and provide their own school building or rent one. This was agreed to, and the deputation withdrew.

A few days later the Acting Secretary of the Board informed Mr. Motan in the presence of other Indians that the school was decided upon, and it was only a question of getting a suitable building. This statement was not committed to writing.

November, 1911.

As nothing more definite could be obtained from the Board, an interview was sought through the Inspector with the Director of Education. The Director replied (letter dated November 2nd, 1911) that he was unable to grant the interview, as pending some action of the Board he could not interfere.

November 6th.

Formal application forms for a school to be started were sent Mr. Motan to fill up by Secretary of Board.

December 7th.

Letter from Mr. McInnes, Secretary of Board (returned from holiday) to effect that Board had decided nothing yet, but matter was still under consideration. (This was after the Indians had already been informed that all was settled.)

December 29th.

A letter was sent to Director pointing out the dilatory way in which the Board was acting; the contradictory statements of Acting Secretary and the Secretary, and again requesting an interview to put matters before him.

January 8th, 1912.

Mr Motan obtained through Inspector, at his office, a short interview with the Director. He rapidly put the case before him and the Director promised to give the matter his earnest consideration.

January 10th.

Letter received from Director in reference to both interview and letter of December 29 stating that he was communicating with the Central School Board, but he was bound by law to wait until the Board had moved in the matter.

January 16th.

In reply to query if Board had yet acted, the Secretary replied that meeting had not been held, as several members interested were not in town.

February 5th

Secretary of the Board requested Mr. Motan to meet the School Board Committee at proposed school building at 5 o'clock. Mr Motan did so, Rev Phillips and Secretary of Board also being present. Several alterations were needed to make the building fit. These alterations were agreed to, as was the willingness of Indians to be responsible for the rent.

February 14th

Letter from Secretary of Board asking for a banker's guarantee for 12 months' rent, to be sent to Board. Mr Motan guaranteed Board to fulfil all their requirements, the banker's guarantee following a few days later, Mr Gatoo being the guarantor. Continual queries from Mr Motan now followed as to delay, letters being addressed to Board, Inspector and Head Office, as to what was being done and cause of delay, as children were running the streets. Replies were the same—"the matter is still under consideration."

March 28th.

Letter from Secretary of Education Department, Pretoria, notifying that the matter was to go before the Provincial Council Executive Meeting at their next meeting

April 6th

Letter from Inspector to the same effect

May 9th.

A long letter reviewing the history of the movement was sent to Director by Mr. Motan, expressing surprise that further information was needed, but expressing a hope that the matter would speedily be settled

May

The Director paid a visit to Johannesburg in connection with the proposed school, visiting Market Street School and Inspector. He seemed to satisfy himself as to the need of such a school, and we believe he recommended that the school be opened.

May 9th.

Letter from Board notifying the Provincial Council had decided not to grant the school.

May 14th

Letter from Board, Director and Secretary of Education Department to effect that although the Government were not prepared to start a school, yet if such were started they would be prepared to subsidise it.

May 24.

Mass meeting of Indians held, and it was resolved to ask Department to what extent they were prepared to help. This was done.

June 1st.

In reply, letter from Director offering £70 per annum towards Principal's salary, and £20 to £40 ditto per person subject to qualifications for other teachers. Refused by Mr Gandhi on behalf of Indians

June 7th.

In reply to Mr. Motan, Secretary of Board said the Board were resolved to make further representations to the Administration of Transvaal. (We heard Board strongly resented their recommendation being set aside)

September 4th

Letter received from Board offering a much larger sum towards school expenses. Principal, £200; assistant, £150; ditto, £120; and £40 to £60 for Indian teachers—all amounts subject to qualifications.

September 7th

This was refused by Mr. Motan, who wrote saying the Indians, being a pure-blooded race and British subjects, were entitled to nothing less than the Cape coloured were at that time (and still are) enjoying at Government expense, *i.e.*, a school run entirely by Government, except the Indians were still willing to pay rent for their own school.

NOTE.—The Cape coloured do not pay rent for their own schools

NOTE.—Comparisons have frequently been made between Indians and Jews and Germans; the two latter enjoying special schools, and yet are not British subjects

NOTE.—The School Board has now agreed to recommend the acceptance by the Government of the conditions set forth in the letter of September 7th, above referred to.

NATAL.

Colonial-Born Indian Grievances.

FIREARMS ACT.—Power vested in Secretary for Native Affairs to exempt Asiatics from the operation of its terms, but in practice applications for exemption are refused.

CIVIL SERVICE.—Interpreters in the service before Union drew larger salaries, and a very few of them are entitled to pension. Under Union Government interpreters are employed subject to a month's notice. Salary £5 a month. Expected to interpret in several Indian languages, including English. Defective interpretation is the cause of miscarriage of justice. *Vide* Civil Service Reorganising Commissioner's Report, issued during the current year. Better prospects will encourage better men to apply.

EDUCATION.—Indian teachers in Government and Government-aided Indian Schools are excluded from the benefits of the pension sanctioned for European teachers in Government-aided schools. No secondary education at present. Academic, agricultural and industrial education required. Compulsory education for Europeans, but the provisions of the Act are inapplicable to Indians. (If scholarships were founded by Indian philanthropists with the course of study to be pursued in some College in India—another link between India and South Africa might be forged.) No grant for vernacular education. Grants in aid for Government-aided Indian schools is on lower basis than the Europeans and coloured teachers even in Government Indian schools are paid on a lower basis.

£3 TAX.—Children born in indenture are subject on their attaining their majority to this tax, and their condition with this tax on them and the incidence of it to the community is a drag to the community's progress.

Colonial-Born Indian Licences Refused.

The following persons, who are Colonial-born Indians, and descendants of those who came here under indenture, had applied for new trading licences, and were refused either a country or borough licence.—

M. Beethasee (for country refused twice)
J. B. Sooker (for borough refused twice).
G. D. Lalla (for country refused once).
M. Ramhoiry (for country refused once).
K. S. Najeer (for country refused once).
S. A. Latif (for borough refused once).
B. Purnasor (for borough refused once).
Rajcoomar (for borough refused once).

12/11/12

101, Field Street,
Durban,
26th October, 1912.

From M. S. Randeree,
President of the Anjuman-Islam, Durban.
To The Honourable Gopal Krishna Gokhale, C.I.E.,
Johannesburg.

Dear Sir,—In discussing with Ministers the position of the mercantile classes of the Indian community, we beg respectfully to request that you will bear in mind the following special grievances which vitally affect the Indian community in general, and particularly the mercantile classes.—

TRADING LICENCES.—References to official statistics will clearly demonstrate the fact that the number of licences has been slowly but surely reduced year by year, and, if this policy be continued, it is only a matter of time for the traders to be wiped out of existence. The policy that has been deliberately adopted by the Government and by the various Municipalities in whom is vested the control of licences is to refuse the issue of new licences to Indians, no matter what their qualifications, whether of old residence, Colonial birth, education, or business competency. With an increase of the general population and the practical closing of the doors to new Indian immigration of the mercantile classes, grave injury will be caused to the Indian community with these continued and unworthy restrictions upon trade.

Much the same comments apply to the question of the *transfer* of licences from one person to another—or even from one place to another. In some districts such transfers are issued with the utmost infrequency, and, in others, are absolutely refused; thus preventing effectively the disposal of businesses at their fair market value upon retirement from business or dissolution of partnership. In the event of the retirement or death of a trader, his son or sons may be prevented from continuing the business on their own account. Again, if an Indian, for any reason, discontinues his business for a year or two, he cannot recommence business, as it is held that, unless a licence therefor is renewed from year to year, it automatically

lapses, and even at the annual renewal of licences, the presence of the actual owner of the business is ordinarily insisted upon.

Several Indian property owners have had to suffer losses of rent because, at the death or retirement from business of a tenant, licences have been refused to other prospective tenants, and property owners have even been refused licences for their own premises, merely on grounds of Indian birth.

Traders who carry on businesses on modern lines and with establishments in no way inferior to those conducted by Europeans should be permitted to trade in any part of the town, instead of being, as at present, almost entirely confined to side thoroughfares badly served by the Municipalities in respect of paving and lighting.

There is a growing number of young men of the mercantile classes who, as time passes, should carry on their fathers' businesses and even start fresh businesses of their own. It is claimed for them that they should have the same liberty of occupation as is permitted to any other section of the community.

In the year 1910 Session of the Natal Provincial Council, a resolution was passed recommending the transfer to the Council from the Union Parliament of the control and issue of trading licences. Bad as the present conditions are, they will be infinitely worse if the control and issue of licences is left even more than at present in the hands of the local European rivals of the Indian traders. Such legislation has already been foreshadowed in the Union Parliament, and it is to be remarked that, though Indians are especially aimed at, the measure will probably be couched in general terms, rendering impossible the application of the special reservatory and safeguarding clauses of the South Africa Act, clauses that were specially inserted having such contingencies in view.

IMMIGRATION.—It is certain that in the proposed general Immigration Law, the education test will be of such a nature as to exclude even those educated men who have hitherto been able to pass the test. Only recently matriculates of Bombay University were refused admission. It is felt that there should be no greater stringency under the proposed legislation than under the existing laws of the Province. In any case, provision should be made for the admission on temporary permits of clerks and confidential managers, up to the number of those who are at present admitted annually under the education test, in order to supply the needs of the traders who have large commercial transactions with India, and much of whose correspondence and book-keeping is conducted in the various vernaculars, for the teaching of which in this country no provision is made.

The statutory domicile provided by the present statutes should be retained in the forthcoming legislation, anything less than this being opposed to the letter and the spirit of the Imperial Government's despatch of October 7, 1910.

At present every possible obstacle is placed in the way of those Indians who are returning from India. Domicile Certificates are, to all intents and purposes, regarded as waste paper, and the holders, even though fully identified, are compelled to prove their *bona fides* afresh.

Permits for one year, on the Cape model, that are proposed by the Union Government are utterly unacceptable, for sad experience shows how lawfully-resident Indians have been excluded even if they return one day late, and that owing to circumstances over which they have no control whatever. Moreover, why should an Indian, any more than a European, be required to return within a year, should he desire to leave the Province temporarily? There are prominent Europeans nominally domiciled in South Africa who never come to this country for years together, and it is preposterous that Indians only, for racial reasons, should be placed in an inferior position to these more or less permanent absentees.

INDIAN WIVES.—The administration of the Immigration Laws is of a most insulting character. It has recently been held that an Indian may not, if he have more than one wife, bring the second. It is even possible to construe the law so as to exclude all women and children on the ground that religious marriages are not recognised by the South African Statute Law, and that the offspring of such marriages are therefore illegitimate.

You have no doubt been made acquainted with the terms of the insulting circular regarding Indian wives, recently issued by the Natal Immigration Department. The document is intensely resented by the entire community.

Indians are often required to pick out their wives, in the presence of the Immigration Officer, from amongst a number of women, and wives their husbands, in a similar manner.

Allegations have recently been made, the truth of which is now being investigated, to the effect that Indian men and women, arriving as returning immigrants, have been ordered to strip, and have been medically inspected as though they had been cattle.

The commercial classes feel that it will not be possible long to tolerate such insults to religion and custom or to submit to these personal injuries, and a feeling of hot resentment at the callous indifference of the authorities is permeating the whole community. But whilst the wealthier members thereof are in some degree able to protect themselves against the arbitrary action of officials, the poorer members are largely helpless and can procure no redress.

It is earnestly hoped that, in your interviews with Ministers you will bear these matters carefully in mind, as we are satisfied that no one can better and more effectively direct attention to them than yourself.

We have the honour to be, Sir,

Your obedient servant,

M S RANDEREE,
Chairman, Anjuman-Islam.
OSMAN AHMED EFFENDI,
Hon Secretary.

Dealers' Licences

The Anjooman Islam, Pietermaritzburg, submitted the following cases in which renewal or transfers of the licences have been refused.—

- (1) Mr. Amod Bayat, of Pietermaritzburg, who is one of the most respected leading merchants, 23 years in Pietermaritzburg, was refused his renewal licence for the year 1911, merely on the ground of his having refused to give his thumb impression on the application of licence. Letter of the reasons shown by the autocrat licensing officer is enclosed herewith, wherein last two reasons are quite useless and included later on.
- (2) Mr. Dawood Mahomed, of New Scotland, Pietermaritzburg, also one of the most respectable merchants, was also refused his renewal only on account of his absence from the Colony. The letter of the reasons given by the Licensing Officer is also enclosed herewith.
- (3) Mr. Amod Sahib, who was also a merchant of long-standing, was refused his renewal for 1911 on the ground shown in the annexed documents.
- (4) Recently a British Indian named Mr. N. J. Shaik, who is educated, and a man of the commercial line, applied for a transfer of a licence at Howick in August last, which the Licensing Officer refused to grant, merely on account of his conscience not allowing him to do so. Shaik is an educated man, and has domiciled long since in this country under the sanction of the law. He is loyal and faithful as well as respectable, and a well-conducted man, and has never been arrested as a criminal in any part of the world. He has acquired a good commercial knowledge through his serving several leading European firms in India, and Indian firms in this country. He had sufficient capital to invest in the proposed business, and there was no fault of any nature (except he was an Indian by birth) upon which the Licensing Officer had reason to take such an unwarrantable action in refusing to grant the transfer.

The Anjooman also drew attention to the fact that here in Pietermaritzburg the authority of the Licensing Officer has been extended to such an extent, that when applications are made for transfer of, renewals, or new licences, the Licensing Officer demands that the applicants must give their thumb impressions, or if the application is made by the applicant's agent or attorney, the Licensing Officer demands the presence of the applicant himself, failing which the applications are refused. The Licensing Officer here refuses to hear any application where one or other of the partners are not present. He claims the presence of the partners concerned in the firm or business.

Pietermaritzburg Municipal Licensing By-Laws.

Petition to the Honourable Charles John Smythe, Esq., Administrator of the Province of Natal, and as such representing the Executive thereof.

May it please your Honour.

The Petition of the undersigned being Free Indians residing in Pietermaritzburg in the Province of Natal Very humbly sheweth:—

That your petitioners are property owners or persons trading or carrying on business within the City and Borough of Pietermaritzburg in the Province of Natal. That as such your petitioners are very deeply interested in the proposed new by-laws with respect to licenses in the City and Borough of Pietermaritzburg in the Province of Natal, and which have been submitted to and adopted by the Pietermaritzburg Town Council and which your petitioners are informed have now been placed before your Honour and the Executive for your approval and confirmation.

Your petitioners humbly beg to inform your Honour that they feel deeply aggrieved at certain sections of the new by-laws in as much as although they apply to all classes of the storekeepers carrying on business in Pietermaritzburg they consider that the new by-laws are framed and directed against your petitioners and the particular businesses carried on by them.

That in consequence thereof your petitioners on the 15th day of March, 1912, by way of respectful petition approached his Worship the Mayor and the Town Council of the City and Borough of Pietermaritzburg praying that they (your petitioners) might be permitted by a deputation to place their grievances in connection with the proposed new by-laws before his Worship and the Town Council.

That your petitioners were on the 16th day of March, 1912, notified by the Town Clerk of Pietermaritzburg that the aforesaid new by-laws had been submitted to and adopted by the Town Council, and expressing regret, therefore, that it was then too late to submit the petition to the Mayor and the Town Council with a view to the matters being discussed.

That in consequence thereof the only course open to your petitioners is to submit their grievances in connection with the proposed new by-laws by way of humble petition to your Honour, which they hereby do and humbly ask your Honour's most favourable consideration thereto.

Your petitioners most respectfully submit that many of the new by-laws are *ultra vires*, and they specially beg to be allowed to bring to the notice of your Honour how detrimental and disastrous it will be to their business as storekeepers if the following proposed new by-laws to wit, No. 281 d; No. 281 e section 32, No. 282 a, No. 282 i, and No. 302 be approved and confirmed by your Honour and the Executive and passed into law.

Your petitioners beg most respectfully to submit in connection with the new by-law No. 281 d that whilst section No. 23 of the Ordinance No. 11 of 1911 gives the Town Council the power and authority to control or prohibit persons from trading or carrying on business on a verandah open space of land, or passage, your petitioners humbly point out that it was not contemplated for so drastic a measure as is contained in the new by-law No. 281 d, namely, that of prohibiting persons from trading and carrying on business on their own premises.

And your petitioners very respectfully submit that this contention is borne out by the provisions of section 23 of the Ordinance No. 11 of 1911, which provides that persons so trading and carrying on business must obtain a retail licence therefor.

Your petitioners respectfully point out to your Honour that it is the universal custom of Indian storekeepers to exhibit their merchandise and to sell sweets and fruit on their verandahs, and that if the new by-law as at present framed is approved and confirmed by your Honour and passed into law very serious loss and injury will be suffered by them and others in carrying on business.

Your petitioners therefore humbly ask that your Honour will be pleased to direct that the said by-law No. 281 d shall be amended by allowing persons to carry on business on the verandahs or open spaces or passages belonging to or rented by them.

Your petitioners most respectfully draw your Honour's special attention to section 32 of the new by-law No. 281 e as the same is *ultra vires* in that the Town Council has gone beyond its powers having exceeded the authority imparted to it by the Ordinance No. 11 of 1911.

Your petitioners would respectfully submit to your Honour that whilst section 25 of the said Ordinance No. 11 of 1911 gives certain powers that it cannot be conceived for one moment that such sweeping measures were to be conferred upon the Town Council.

Your petitioners humbly point out to your Honour that a licence to a well-conducted business means in many cases a very valuable asset, and it would entail a very great hardship indeed and a serious loss if a deceased licensee's estate was to be deprived thereof, and in the case of the insolvency or incapacity of the licensee a still greater hardship and loss would be sustained.

Under the foregoing circumstances your petitioners humbly ask that your Honour will be pleased not to approve and confirm the said section No. 32 of the new by-law No. 281 e.

Your petitioners very respectfully refer your Honour to the new by-law No. 282 a, whereby the Town Council seek to make it compulsory for any licensee to obtain the approval in writing of the licensing officer to any person other than himself carrying on the trade or business or of exercising the privileges conferred upon him by license.

Your petitioners in connection with this by-law most respectfully point out that the same is *ultra vires* as there is nothing whatever in the Ordinance No. 11 of 1911 giving the power or authority to the Town Council to make such a by-law.

Your petitioners humbly submit that it would be most detrimental, disastrous and prejudicial to persons in a large way of business to be compelled to be always in the store for which they hold a licence or for everlastingly having to obtain a permission in writing to leave a person in charge of the business.

Your petitioners specially submit to your Honour that such a by-law would be unworkable, for instance in a case of the licensee being called away to another part of the Province on business, and being unable to get anyone that the licensing officer would approve of to carry on his business for the time being a valuable business would of necessity have to be shut up.

Your petitioners beg most respectfully to call your Honour's attention to the serious injuries that would be inflicted on storekeepers generally if such a sweeping measure was passed into law, and therefore pray that your Honour will be pleased not to sanction and confirm the said new by-law No. 282 a.

Your petitioners respectfully draw your Honour's special attention to the new by-law No. 282 i and to its most drastic terms, and venture to submit—

(a) That it is *ultra vires* as there is no authority whatsoever given to the Town Council under Ordinance No. 11 of 1911 to frame and pass such a by-law.

(b) That it is most cruel and unjust in its terms.

Your petitioners beg very respectfully to enquire at what times would the licensing officer or police officer be likely to want free access to the licensed premises?

Your petitioners submit to your Honour that it could be contended that under such a by-law these officers would have the power at any time they thought proper no matter by day or by night and no matter how greatly inconvenienced the licensee and his family might be, to exercise the right of free access in terms of this by-law.

And your petitioners further most respectfully contend that if this by-law as framed be approved and confirmed by your Honour and passed into law it would most seriously interfere with the liberty of the subject.

Your petitioners therefore humbly ask your Honour, having regard to the same being *ultra vires* and most cruel and unjust in its terms to direct that the new by-law No. 282 i be deleted.

Your petitioners beg very respectfully to refer your Honour to by-law No. 302, which has to be read in conjunction with the by-law No. 281 f and the by-law No. 282, and to draw your Honour's attention under this head more particularly to hawkers' licenses. The tariff in respect to licenses issued by the Town Council is included in by-law No. 281 f, and provides *inter alia* that a hawker's licence for the sale of South African fruit and vegetables shall be the sum of 2s. 6d. And under the by-law No. 282 it is provided that any person desirous of obtaining one of the trading or business licenses enumerated in by-law No. 281 f shall comply with the provisions as set out in the by-law No. 282.

Your petitioners most respectfully say that such conditions should not be enforced in respect to hawkers' licences, and humbly submit that the framer of the by-law now under consideration must have overlooked the fact that the conditions as set out in the by-law No. 282 are not in any way applicable to a hawker's licence, and indeed such conditions are inconsistent with the context of the proposed new by-laws regarding hawkers' licenses.

Your petitioners humbly submit that this by-law if approved and confirmed by your Honour and passed into law would entail a very great hardship upon hawkers generally, and that the conditions attaching to obtain the granting of such a licence are out of place and are unworkable.

Upon the foregoing grounds your petitioners most respectfully ask your Honour to direct the necessary amendments to be made in the said heretofore recited by-law No. 282 exempting hawkers from having to comply with the provisions of the same.

Wherefore your petitioners very humbly pray that your Honour may be pleased to take the above facts into your Honour's most favourable consideration, and to grant to your petitioners their several prayers contained in this their humble petition or such other or further relief as to your Honour may seem just and proper in the circumstances.

And as in duty bound your petitioners will every pray
Dated at Pietermaritzburg in the Province of Natal,
Union of South Africa, this day of April, in the
year of Our Lord One thousand nine hundred and twelve.

No 4/12/284
Administrator's Office,
Natal,
7th September, 1912

Gentlemen,

With further reference to the petition presented by you on behalf of the Indian storekeepers against certain of the trade licensing by-laws submitted for Executive approval by the Pietermaritzburg Corporation, I have the honour to inform you that these by-laws have now been submitted in revised form, and the following is the position with regard to the several matters raised by you on behalf of the petitioners:—

No 281 (d)—The words "or exercise any calling" have been deleted as going beyond what is authorised by Section 25 of Ordinance No 11/1911, but in other respects the by-law will not be amended, as it is entirely within the authority of the Ordinance referred to for the Town Council to pass such a provision in connection with businesses in respect of which they are empowered to issue licences.

No. 281 (e) sub-section 32.—This by-law has been amended to read as follows—"License" means a privilege personal to the holder or holders thereof. Failure to comply with any lawfully imposed conditions upon which a licence was issued will nullify such licence."

No. 282.—The objection to this by-law will be met by altering the last paragraph to say that nothing in the by-law shall be deemed to fetter the discretion allowed by law to the licensing officer in regard to the granting of licences.

No. 282 (a)—This will be amended to the extent of requiring applicants to show that the appointment of a manager is genuinely being made for the purpose of the applicant's own business and not as a cover for any improper purpose.

No 282 (i)—The word "reasonable" has been inserted in this by-law, making it read "shall at all reasonable times," etc.

With regard to the question of by-law No 282 being inconsistent with No 302, there is no necessity to make any amendment, as if the conditions are inconsistent with the nature of the licence itself they will obviously be inapplicable to such a case.

The Town Council have now been advised to submit the by-laws in collective form with the above and other amendments, and when this is done they will be brought up for final consideration by the Executive Committee.

I have the honour to be,
Gentlemen,
Your obedient servant,
G. T. PLOWMAN,
Provincial Secretary.

Licensing Laws.

Ladysmith, Natal, 7th November, 1912

To the Honourable Professor Gopal Krishna Gokhale, C I E.

Honoured Sir,—Understanding that Your Honour is desirous—during your visit to South Africa—to ascertain what grievances are suffered by the Indian community, I have the honour to bring to your notice that I have been in business as a general merchant in Ladysmith for many years, and so was my father before me. I have spent many thousands of pounds in buildings, and am consequently one of the largest ratepayers in this Borough. The Licensing Officer for this Borough has the granting of all trade licences in the town, and from his decision there is no appeal beyond one to the Town Council, whose servant the Licensing Officer is. I recently applied for a transfer of my wholesale and retail licence to a firm composed of myself and my son, who is now in his 19th year, as I was desirous of perpetuating the licence as much as possible, and was naturally anxious to settle my son in life in a business to which he has been brought up and accustomed. I attach hereto the following documents, viz.:—

- (a) A newspaper report of the proceedings before the Licensing Officer.
- (b) A copy of the objections lodged, in the form of a petition, by the Chamber of Commerce and other Europeans in Ladysmith.
- (c) A copy of the Licensing Officer's reasons for refusing to grant a transfer of the licence.

I am appealing against this decision to the Town Council, but as the policy of the Council is to restrict as much as possible the issue of licences to Indians, it is doubtful whether I shall be successful.

I have the honour to submit these papers to Your Honour in the hope that my case may assist, with others, in bringing about, through Your Honour's good offices, some relief to the Indian traders in this Union.

In conclusion, I fervently pray the Almighty to bless Your Honour with long life, health, and strength, to enable you to carry on your laudable and arduous undertakings to a successful issue, and beg to subscribe myself, Your Honour's obedient servant,

M. A. GOGA.

[Note.—The appeal to the Ladysmith Town Council has been dismissed, and no further appeal lies.]

Dealers' Licences.

IN THE MATTER OF SOOKUNUN'S APPLICATION FOR RENEWAL OF HIS RETAIL LICENCE FOR THE YEAR 1912, FOR PREMISES AT "BRICKFIELDS," NEAR DURBAN.

(1) In my opinion this man was very unjustly dealt with by the Licensing Officer for Natal. He had held a retail licence for several years. His business consisted of a purely cash retail business, and for the purposes of such a business no books of account were required. Upon his application for a renewal of the licence for 1912 he was called upon to produce his books of account for inspection. After being so called upon he was foolish enough to prepare a set of books purporting to show the transactions of his business for several years back. The Licensing Officer, in his reasons for refusing the licence, stated that the applicant, when thereto required, failed to show that he had kept such books of account in the English language as are usual and proper in the business that has been carried on by him during the past three years," and it was substantially for this reason that the renewal of the licence was refused.

(2) An appeal was made to the Licensing Board against the Licensing Officer's decision, and it was pointed out to the Board that the Law only required the keeping of such books of account in the English language as are usual and proper in the business to be carried on, and that where the nature of the business was such that no books of account were necessary a licence should not be refused because books of account had not been kept, because books of account being unnecessary they could not be held to be usual and proper in the business to be carried on, and this being so there was no force in the Licensing Officer's contention that the applicant had concocted a set of books to meet his requirements.

(3) The Licensing Board deferred their decision upon the appeal, and after a few days, without giving any reasons they simply decided that the Licensing Officer's decision should be upheld at the appeal dismissed.

(4) In my opinion, had the applicant appealed from the Licensing Board to the Provincial Division of the Supreme Court of South Africa, his appeal would have succeeded, but I was given to understand that he was unable for want of funds to prosecute an appeal.

W BURNE

Durban, 12th November, 1912

Natal Immigration Laws.

July 26th, 1912

To the Secretary to the Minister for the Interior,
Pretoria.

Sir,—On behalf of the Committee of the Natal Indian Congress we beg to draw the attention of the Honourable the Minister to the following:—

The acting Immigration Officer of this Province appears to have issued a circular, copy of which is hereto attached, and which deals with proof required by the officer regarding Indian marriages. The circular has caused deep offence to the community for the following reasons:

- (a) It insults all British officers, whether European or Indian, in that it requires production of evidence taken before them in spite of their certificates referred to in the circular.
- (b) It specially insults Indian officers no matter what their rank, in that it ignores any certificate issued by them.
- (c) It insults Indian women by requiring their thumb impressions.

In the opinion of our committee this circular is totally uncalled for, and respectfully trust that it will be withdrawn.

Complaints have been made to our committee to the effect that Indian women desiring to seek entrance into this Province as wives of their legally domiciled husbands are herded together on the steamers in which they may have arrived, and husbands are called upon to pick out their wives. This is a practice which our committee considers to be inhuman and wantonly offensive. Our committee

ventures to urge that affidavits made by husbands ought to be considered, as they have been hitherto, as sufficient proof of the marital relation.

Our committee has been informed that the Acting Immigration Officer now endeavours to go behind domicile certificates and calls for proof of domicile, apart from the certificates produced by the holders. Thus several bona-fide residents were turned away per steamers Palamcotta and President.

Our committee could have no objection to the officer requiring to identify the holder with his certificate, but if such identification is secured, in the opinion of our committee the certificate should be allowed to remain as before the holder's title to enter and remain in this Province.

Our committee trusts that the matter herein submitted will receive the early and sympathetic consideration of the Minister.

We have the honour to be, sir,
Your obedient servants,
(Signed) DADA OSMAN,
(Signed) M. C. ANGLIA,
Joint Hon. Secretaries

NOTE—The reply to this letter was a *non possumus*

IMMIGRATION DEPARTMENT CIRCULAR.

Relating to Indian Residents' Wives.

A circular letter, addressed to applicants for the admission of their wives, reads as follows—

"The information in the affidavits in this case has been noted

"It is clear that, if the applicant is lawfully resident here, a fact upon which he will be called upon to satisfy me, he is entitled to have his lawful wife with him, but he will require to furnish me with unmistakable proof that she is, in fact, his wife and that he has no other. Failing a properly certified marriage certificate, which would be accepted when accompanied by proper proof of identity, I shall not be satisfied to accept such evidence as that now put before me, but would suggest that a certificate of a superior European magistrate should be obtained either (1) That, in his personal knowledge, the woman whom he names, and whose left and right thumb marks are certified by him to have been impressed on the document in the officer's presence, is in fact the wife of the applicant, whose identity with the man referred to must be also established by unmistakable means, and that he is personally aware that the parties referred to were duly married on a date specified, or, 2 (a) That he has personally held an inquiry upon oath as to the date of the marriage, the ages of the parties, the issue of the marriage, and such other particulars as may be pertinent to such an inquiry; (b) That he forwards the original statements declared before him accompanied by means of identification of both the husband and the wife certified by the magistrate; and (c) That, in view of the magistrate, the facts declared to be true and correct, that he has caused police inquiry to be made, attaching a copy of the report, and that he is satisfied as to the relationship alleged, and such inquiry should embrace various independent parties

"Upon the woman bringing documents in this form, a *prima facie* claim to land will be made out; and under ordinary circumstances I should not place restriction upon her landing.

C. W. COUSINS,
Atg Immigration Restriction Officer.

Notes and Comments on Higher Education in Natal.

From the very commencement the attitude of the Superintendent of Education, Natal, has been unsympathetic. He was of opinion that elementary education was sufficient for the requirements of the children of Natal Indians. Ten years ago the limit was Standard IV. The mission schools were not authorised or staffed to teach beyond this standard, and in the event of parents desiring that their children should make further progress it was necessary to send them to a European institution (e.g., the Boys' Model School). In a few instances Indian youths attended this European school and qualified up to the Seventh Standard, but all kinds of difficulties were placed in their way. Colour prejudice and harsh treatment succeeded in deterring scholars from patronising European schools.

Ultimately the Higher Grade Indian School was opened in 1902. The age restriction came into operation early in 1909, and was withdrawn when the Edu-

cation Department was petitioned for granting facilities for higher education. This withdrawal of age limit was only a sop with which to bluff the Indian public. The grant-in-aid for higher education was refused for the following reasons.—

- (1) The demand for higher education was insufficient to justify a grant. (This was like begging the question, for the Private Indian High School had been open only three months when the petition was forwarded.)
- (2) That the age restriction had been removed, therefore students who had been debarred could attend the Government Higher Grade School. (The removal was made when the Government could not get out of the difficulty in any other way.)
- (3) If Indians desire higher education they must establish and maintain their own schools, in the same way as other European colleges, such as Hilton College and Balgowan were doing.
- (4) That no provision was, or could be made, in the Estimates (Budget) for higher education for Indians.

Under these circumstances it was quite impossible to finance and equip an institution capable of meeting the wants of the Indian community. A private institution, with little or no financial support from the public, could not hope to engage a qualified staff of professors nor to engage a suitable building and equip it with necessary requisites for an up-to-date college. The Indian High School has, nevertheless, tried to carry on the work under herculean difficulties. Four students have passed the Cape School Higher Examination, 1910 (equivalent to the Oxford Junior); eight more are being presented this year (1912), and four students for the Cape Matriculation (1912).

In any comprehensive scheme for higher education in South Africa the colour bar must always be a stumbling block to Indian students—there is no hope of their being permitted to attend Government (European) institutions. The following is a case which came under notice last year. It appears that a "coloured" student in the Transvaal wished to appear for the Cape Matriculation. He was permitted to sit with the European candidates for the examination, which was conducted in the Town Hall at Johannesburg. After the examination the ratepayers of the town instructed the Town Councillors to request the Mayor to inform the Transvaal Education Department that the Town Hall would be refused for examinations in future if coloured students were allowed to sit in the same room with Europeans.

The colour prejudice in the Transvaal seems to be spreading, for a similar difficulty seems to have arisen this year (1912). When the application for attending the Cape examinations this year were forwarded to the Superintendent of Education, Natal, from the Indian High School, there was a rumour that the Superintendent enquired whether accommodation could be provided for these Indian students at the Higher Grade Indian School. Obviously, the only inference to be drawn is that the Education Department do not consider Indian students fit to sit in the same room with Europeans. The headmaster of the Higher Grade Indian School was either unable or unwilling to provide the necessary accommodation for the students to sit for Cape examinations, and no official information was received on the subject, so the Department is apparently still chewing the cud of reflection over the matter, and as there is no other suitable locality it is supposed that it will graciously permit the despised Indian students to attend the examination in the Town Hall, Maritzburg.

Rumours are afloat that a proper college for Indians, suitably endowed and staffed, is to be established either by the Government or by some section of the Indian community, but as the cost will run to about £50,000, an undertaking of this magnitude will take years to mature, especially in South Africa. It will require a master tactician to reconcile the conflicting interests, and none but an Indian gentleman from the Mother Country, with a recognised status and with an acknowledged reputation in arts and politics, can hope to gain the confidence and co-operation of the different elements which constitute the Indian community.

Two years ago a law was passed by the Natal Legislative Council to the effect that every European teacher employed either in Government or Government-aided schools would receive a pension after twenty years' service. But no provisions were made by the Government for Indian teachers for their long service as teachers.

It is earnestly hoped that advantage will be taken of the visit of the Hon. Gopal Krishna Gokhale, M.A., C.I.E., to take the question of higher education among the standing grievances of the Indian community in South Africa.

ON BEHALF OF THE RECEPTION COMMITTEE,
Maritzburg, Natal.

APPENDIX II.

PRESS COMMENTS, CRITICISMS,
INTERVIEWS AND CORRESPONDENCE.

NOTE.—We desire to acknowledge our indebtedness to the South African Press for much of the letterpress of this Souvenir.—*Ed., I.O.*

WELCOME.

On behalf of the Indians established throughout the Union of South Africa, we offer to the Honourable Mr. G. K. Gokhale a warm welcome to our shores. His arrival at Capetown on Tuesday next should herald a new phase of Indian life in this sub-continent, for it brings South Africa and India into immediate and intimate contact in the most public manner possible. Mr. Gokhale is, to-day, the foremost Indian in political life, and his experiences here and the information that he will derive in the course of his stay amongst us will be eagerly and anxiously awaited by the whole Indian people, and, probably, by none more than the Imperial and Indian Governments. Mr. Gokhale comes here in no official capacity, but he derives his credentials from the fact that he represents modern India in a way that no other Indian does. He is trusted and honoured by millions of our fellow-countrymen, who venerate his name as that of a pure-souled patriot. To us in South Africa, he represents the profound interest that is being felt throughout the Motherland in the welfare of Indians overseas, and the rising determination that their treatment shall not be such as shall diminish Indian self-respect. The national movement has produced no more distinguished or selfless advocate than our honoured guest, and we trust that Indians and Europeans will join in rendering his stay in South Africa pleasant, useful and healing—*Indian Opinion*, 19th October, 1912.

A DISTINGUISHED INDIAN.

The Hon. Mr. Gokhale, C.I.E., the well-known Indian legislator who is to make a brief tour of South Africa in order to discuss the Asiatic question with the Union Government, has had a remarkable career. Born forty-six years ago at Kolhapur, India, he has gained his present position by hard work and merit. His parents were poor, but they managed to send him to a local college, where his talent was noticed at an early age. Some time spent at colleges at Bombay and Poona gave him his B.A. He made a special study of English literature, mathematics, history and political economy, and for years was a highly respected professor at the Fergusson College, whilst he also engaged in journalistic work. Gradually he became more and more prominent in public life, especially in the Bombay Presidency. His knowledge of financial matters led to a visit to England to give evidence before the Welby Commission on Indian Expenditure. In 1900 and 1901 he was a member of the Bombay Legislative Council, and in 1902 was elected to the Viceroy's Council, on which body his speeches on finance attracted widespread attention. It was he who moved the resolution which led to the Indian Government prohibiting the recruiting of Indian labour for Natal. His speech—which was, of course, delivered from a purely Indian standpoint—included a masterly review of the indentured labour problem in all parts of the world. Although he has spoken strongly on the question of Indian grievances in the colonies, Mr. Gokhale is one of the more moderate of the politicians associated with the National Congress party in India. Indeed his choice as president in 1905 was regarded as a snub for the extremists who aimed at capturing the congress. Mr. Gokhale has a wonderful grip of all public affairs affecting India, and whether he succeeds in his present mission or not, he will, one feels sure, present the Indian case to the Union Ministry both clearly and moderately—*Rand Daily Mail*, October 22.

AS IT OUGHT TO BE.

Some little time ago, in noting the approaching visit to South Africa of Mr. G. K. Gokhale, we expressed the hope that due official recognition would be accorded to one of the most eminent British Indians of to-day. Nothing but

good, as it seemed to us, could come of the presence in South Africa of one of the most cultured and high-bred of Indian gentlemen, who is at the same time one of the most forceful personalities in Indian public life at the present time. We are glad to say that one hope we expressed has been realised, and nobody who reads the eminently reasonable and moderate speech which Mr. Gokhale made in the City Hall last night is likely to think we were over-sanguine in cherishing the other. The distinguished Mahratta began with a cordial acknowledgment of the courtesy shown by the Union Government, and went on to explain that he had come to South Africa, not for the purpose of blowing up the flames, but of studying the Indian question at first hand and the Indian question, not only as it appears to Indians in this country, since he is already tolerably familiar with this point of view, but as it appears to the English and Dutch citizens of the Union. He frankly acknowledges, moreover, that the problem is one of extreme difficulty and complexity, that a practical solution cannot be found simply by an appeal for uniform treatment on abstract grounds of equality, and that a presupposition of a wise and statesmanlike solution must be a recognition of common allegiance to the British Empire, though there may be times when the balance of privilege and disadvantage which comes of such an allegiance may seem to tend to the disappointing side. Per contra, Mr. Gokhale reminded his audience—and we trust his words will receive the attention they deserve throughout South Africa—that the question of the treatment of Indians in South Africa is exciting the most intense interest in British India, that the East is pulsating with a new life, and that in the future, whether in regard to internal or external problems, the Indian peoples are not likely to be satisfied with a political horizon which leaves no room for the satisfaction of their self-respect, and that the one wholly unpromising point of view is that which limits the vision by the narrow boundaries of colour and race prejudice. No reasonable being can take objection to such a preliminary statement of the position. On the contrary, South African statesmen may be thankful that a British Indian, with the immense influence and the great reputation of Mr. Gokhale, has taken the trouble to come here to assist in seeking for a solution of a bewildering problem on such lines. No doubt, as we remarked on a previous occasion, the Union Ministers will be able to show Mr. Gokhale that things are not quite so bad as they have sometimes been painted, and they may also enable him to realise, perhaps more clearly than it is easy to do in India, that the difficulties of the position are by no means wholly due either to sheer carelessness or to a wanton desire to injure and to insult Indians. On the other hand, Mr. Gokhale, we have little doubt, will be able to awake in Ministers, and in the South African public mind, a keener sense of the urgency of some measure of redress than has yet existed. Meanwhile, last night's beginning is entirely auspicious—*Cape Times*, October 23.

THE RIGHT NOTE.

Both the manner and the matter of the speech delivered by the Hon. Gopal K. Gokhale, in response to the welcome extended to him on his arrival in South Africa, at the City Hall on Tuesday evening, justify the expectation that his visit will result in nothing but good and the hope that it will lead to a solution of the Indian problem in South Africa which will be fully acceptable to both sides. Mr. Gokhale has come at the invitation of the Indian community to see things for himself, and to consult with the Government, so that he may be better able to advise his countrymen on the one hand and represent their position to the Administration on the other. If past achievements, and temperateness and moderation of present speech are any criterion, a better intermediary could scarcely have been chosen. Nothing could have been more promising than Mr. Gokhale's concluding words on Tuesday evening. "I will," he said, "go through South Africa in the three weeks at my disposal with every real desire to understand the European standpoint, and whatever conclusions I arrive at I will endeavour to state with due restraint and with such regard as may be expected from me in my position in India, and with a due regard to the interests of the Empire of which we are all members. I have not come to light a flame, because flames have a knack of burning those who light them, but I have come to find out how my countrymen in this land are doing." Here Mr. Gokhale strikes the right note, and we feel sure that he will not find European South Africa unresponsive to the spirit of his address—*South African News*, October 24.

THE INDIAN PROBLEM.

Nothing is better calculated to lead to a proper appreciation of the Indian problem in South Africa, and to hasten its solution, than the tone and substance of the utterances of the Hon. Gopal K. Gokhale during his brief visit to Kimberley. Mr. Gokhale's visit had long been looked forward to by the members of the local Indian community, and it is safe to say that the high anticipations they had formed have been abundantly realised, and that

the visit has well achieved its object. In the first place it was made the occasion of demonstrations which, in addition to worthily honouring a distinguished worker in the Indian cause, also served the useful purpose of a seemly object lesson of the number and prestige of Indians resident on the Diamond Fields, all of whom, from the wealthy merchant to the lowly hawker, joined in what proved to be an imposing array to welcome the visitor. The fact that leading European residents in representative strength attended the complimentary dinner to the visitor on Saturday is not the least significant evidence of the progress towards a better understanding which the visit materially helped to achieve.

Mr. Gokhale's speech at the gathering referred to was indicative of the spirit in which he undertook what is bound to be an important tour, and his attitude splendidly endorsed his statement at Capetown upon his arrival in this country. As a speaker, Mr. Gokhale carried conviction by reason of his simplicity and earnestness, and with the substance of his remarks very few will be found to quarrel. His claim for such treatment of Indians in South Africa as "should be so far just and humane as to be reasonably satisfactory" is a strong one by reason of its moderation. His instancing of the fact that the Indians in South Africa were bound to realise the difficulties of the white population, though it strikes a novel note so far as the great majority of Europeans in South Africa are concerned, was timely, and there can be no gainsaying the truth of the statement that trifling with the Indian problem as it presents itself in South Africa is sure to have far-reaching effects upon the feelings and views of millions of British subjects in India. The importance of that aspect of the question is a factor which is apt to be overlooked by those who would urge the adoption of a narrow view of the problem in South Africa. It is well that this phase of the question should be put before the people of South Africa, particularly when it is remembered that our Indian problem is largely one of our own creation. The plea for the suspension of judgment in regard to the effects of the abolition of the system of indentured Indian labour until such a period had elapsed as to afford grounds for a just view of the position was characteristic of Mr. Gokhale's utterances locally. Opinion in this country regarding Indian settlers is diverse and strong, but visits such as this can have but one result, and that all for good, in assisting in the arrival at a just solution of the difficulties which are largely the result of misconception due to prejudice.

In view of the attitude of certain prominent members of the political party at present in power in South Africa, it is of special interest to note that Mr. Francis Oats took advantage of the opportunity to make it quite clear that he repudiated entirely the sentiment given expression to in certain quarters that in dealing with South African problems it might be necessary to be unfair to a certain section. It is the knowledge that Ministers in charge of Government departments are prepared to be unfair towards a certain section that emboldens officials charged with important duties to arrogate to themselves autocratic powers, the assumption of which is as unwarranted as the results are harmful.—*Diamond Fields Advertiser*, October 29.

THE INDIAN IN SOUTH AFRICA.

The reception accorded to the Hon. Mr. Gokhale on his arrival in Johannesburg was not lacking in cordiality, notwithstanding the fact that the Rand served as the stage on which were enacted the most dramatic incidents of the Indian agitation of a few years ago. He was received by the Mayor with a ceremoniousness befitting his high position as a member of the Viceroy's Council and as a statesman of surpassing integrity and ability in his own country. Mr. Gokhale's record in Indian politics is indeed a shining example of the heights to which native statesmanship has attained in our Indian Empire, under a wise and beneficent sovereignty. His personality reflects in a high degree the natural dignity and race-consciousness of the Indian people. His career in India has been distinguished by unusual qualities of statesmanship and illuminated by fine ideals. A politician of rare culture and unblemished character, he has ably played the part of Radical and reformer, though, as the "Cape Times" pointed out in a recent article, his devotion and loyalty to the Imperial connection have never been impugned. Mr. Gokhale may rest assured that, whatever views the bulk of the Johannesburg public may hold as to the present or future position of Indians in South Africa, they will not fail to treat him with the respect and esteem due to his high position, and to welcome his mission as a sincere and honest attempt to probe the difficulties of the Indian problem in this country. Nor can any of us fail to appreciate the dignity and stateliness of the remarks with which Mr. Gokhale responded to the greeting of his compatriots in Johannesburg. We venture to assure Mr. Gokhale that even those who, during the agitation of a

few years ago, most persistently urged the necessity of severe legislation against Indians in South Africa are not unmindful or unappreciative of the sacrifices made by the men of his race in the defence of their cause.

But, while we have no desire to influence Mr. Gokhale in his task of studying the Indian problem in South Africa from a detached and impartial standpoint, we may be allowed to remind him that the agitation in this country against the Indian invasion was never intended to reflect on the character of the Indian peoples. Indians in South Africa are, generally speaking, amongst the most law-abiding and inoffensive of the inferior races. Actually the agitation arose out of a conflict of civilisations; and the old feeling against the Indian still remains because his standard of living and his social and economic conditions placed him in the position of an unfair rival of the European, both in commerce and in labour. In his speech at the Carlton Hotel last evening, Mr. Gokhale laid emphasis on the Imperial aspect of the subject; and we quite appreciate the difficulty to which he refers, of getting the mass of the Indian people to understand that, although South Africa is part of the British Empire, it has the right to manage its own affairs without interference. But it must be borne in mind that the European in South Africa has to deal with totally different conditions from those of the white races in other self-governing Dominions of the Empire. In Canada and Australasia the white man has definitely asserted his supremacy. In South Africa he is still struggling hard to establish a European civilisation. We—Dutch-speaking and English-speaking citizens of South Africa—are still a handful of white people in the midst of a huge black and semi-barbarous population. There can be no doubt that any large invasion of our preserve by immigrants from India would seriously complicate the problem which we, as the custodians of European civilisation, have to solve, and for which, unhappily, we are still far from finding a solution. In these circumstances, we may heartily welcome an enquiry into our conditions and circumstances from so broadminded and liberal an investigator as the Hon. Mr. Gokhale, whose influence in Indian affairs, and whose authority as a leader of native opinion in the Indian Empire are beyond question. We are quite prepared to agree with him that the situation has been considerably eased by the stoppage of indentured Indian labour into Natal. Mr. Gokhale points out that the Indian is not naturally adventurous, he is happy in the possession of a rather domesticated and stay-at-home disposition. We see this for ourselves in the manners and habits of the Indian in this country, who never by any chance adopts European customs or ways of life, and who, figuratively speaking, carries India with him wherever he goes. But the fact that the average Indian is not inclined to emigrate except under a system of indenture such as we have, until recently, had in Natal, and that since the prohibition of this form of immigration, the Indian invasion of South Africa has practically ceased, will probably tend to modify the European agitation against the Indian in this country. At the same time, it would be foolish to overlook the seriousness of the problem which confronts us, in the presence of so many Indians in the Union, competing with the European on all sides, and unquestionably weakening his efforts to establish a white supremacy in the sub-continent. Mr. Gokhale himself admits that the problem is one of intense difficulty and intricacy. . . . This utterance ought indeed to be a sufficient guarantee of Mr. Gokhale's desire to study the problem from a broad and liberal standpoint, and to make full allowance for the views of white South Africans who, while in no way reflecting upon the moral or political character of the Indian, have been compelled in self-defence to legislate against a possible invasion from the East. Nor have we any doubt that Mr. Gokhale will, as he comes to view the position in all its aspects, realise the difficulties which confronted General Smuts and the Government at the time of the Asiatic agitation. Mr. Gokhale is not himself a fanatic, nor is he likely to be carried away by the views of local fanatics on this question. At Capetown he declared that the last thing he desired was to fan the smouldering fires of racial hatred. He has made a special point of informing his fellow-countrymen that his great desire is to avoid coming to a hasty conclusion and to study the subject in all its bearings before expressing any opinion. We look forward to Mr. Gokhale's report with every confidence, feeling sure that one of his political genius and statesmanship will realise that it is in no spirit of hatred or persecution that the Europeans of South Africa have resisted the Indian invasion, and that the peculiar conditions of this country make it necessary that South Africans should insist on the supremacy of the white race, if their country is to realise its destiny as a member of the British family of self-governing nations. Mr. Gokhale has not hesitated to say that he has no intention of appealing for a settlement of the question on a basis of equality; nor does he appear to press for any relaxation of our attitude in regard to further immigration of Indians. That being so, we have no fear that any proposals he may make for a more

Considerate treatment of his fellow-countrymen who are at present domiciled in South Africa will be denied adequate consideration, provided that the position of the European race is effectively safeguarded.—*Transvaal Leader*, October 28.

MR. GOKHALE'S MISSION.

The presence in our midst of the Hon. Gopal Gokhale, C.I.E., representative of the non-official members of the Bombay Legislature in the Viceroy's Legislative Council, is an event of no small importance. For it serves as a reminder that the legislative and administrative aspects of the Asiatic question still remain unsettled, being indeed in very much the same unsatisfactory position as at the date of Union, and in the second place it brings home to us the fact, too often overlooked by extremists, that in any settlement that aims at finality Imperial considerations and Indian sentiment should be carefully studied and met so far as is compatible with the best interests of South Africa. Mr. Gokhale has come to this country in a semi-official capacity. His mission is to study the grievances of his compatriots, to discuss these with the Ministers of the Union in the hope of reaching a satisfactory "via media," and then to make known the result of his study and of his negotiations with the authorities in a public pronouncement before leaving the country. It is sincerely to be hoped that our distinguished visitor may be able to devise a solution of existing difficulties that will meet with the approval of the majority of the European population—for complete unanimity is altogether out of the question—and of those Asiatics who have domiciles and vested interests within the Union; and that no time may be lost in giving legislative and administrative effect to the new "modus vivendi." Wherever he has gone so far, Mr. Gokhale has been welcomed not only by his fellow Indian subjects, but by the official representatives of the European community in a manner which indicates that both parties to a long-standing controversy greet him as an able and distinguished statesman closely identified with the government of the Indian Empire, but above all in the character of a mediator willing and anxious to hear both sides before committing himself to the advocacy of any specific policy.

Mr. Gokhale has stated, speaking in a general way, that the treatment of Indians throughout the British Colonies is "most unsatisfactory," and that unless the treatment is remedied on a basis of justice, "there will be serious discontent in India, which will grow and will be bound to affect the internal administration of India." We fear it is all too true that acts of the South African authorities which were mainly the outcome of the Passive Resistance Movement have given this country a particularly bad name among the subjects of the King-Emperor in the Far East, but we trust that the last has been heard of the unfortunate and unprofitable struggle which created this adverse impression. We are the more sanguine that Mr. Gokhale's mission will lead to permanent peace, because of the moderation and commonsense revealed in his Kimberley speech. Mr. Gokhale assures us that South Africa has nothing to fear in the nature of an influx of Indians now that the indentured system has been abolished. As for the attitude Mr. Gokhale desires the Government and people of South Africa to adopt, we find it summed up in the statement that "they must realise that Indians are in the first place entitled to just, humane treatment, and, secondly, that they must be made to feel that they are citizens of the Empire." The latter clause may create some misgiving among those who hold strong views on the Asiatic question, but we would remind these that the claim must be read in conjunction with the qualifications which Mr. Gokhale previously laid down—to the effect that there cannot be absolute equality or absolute justice even.

Mr. Gokhale is here, of course, to make the best terms he can on behalf of his compatriots. As a Diplomat, who has still to study the intricacies of the problem, he cannot be expected either to present a cut-and-dried policy or to commit himself to a statement of his personal views on the merits of past controversies within a few days of his arrival. No doubt the distinguished visitor is fully conversant with the bulk of the Asiatic grievances, real and more or less imaginary. Many of these grievances are capable of redress and would no doubt have been redressed but for the complications arising out of the Passive Resistance Movement. General Smuts, as Minister of the Interior, has made two attempts to meet the wishes of the Asiatic leaders and of the Imperial and Indian Governments, but in neither of the two Parliamentary sessions did the Immigration Restriction Bill, partly designed to secure this end, get beyond the preliminary stage. The debate in the closing days of last session, as Senator Munnik suggested in the letter published in our columns yesterday, showed that the Botha, or any other, Government must realise the strength of public opinion on this question, which circumscribes any action which the authorities may desire to take. Briefly the crux of the compromise embodied in General Smuts's Bill—a compromise acceptable to the Imperial and

Indian Governments and also to the Asiatic leaders—was borrowed from the Australian Act, and aimed at eliminating legislative discrimination directed against Asiatics, leaving the authorities free to bar the door against coloured immigrants by administrative agency—by the application of an arbitrary dictation test. We agree with Senator Munnik that this compromise represents the extreme limit to which legislative and public opinion will permit the Union Government to go. But once this question is satisfactorily disposed of, we see no reason why many of the local grievances of domiciled Indians should not be amicably redressed. So long as Mr. Gokhale does not insist on the Union ports being kept open to all Indians who choose to come—not merely to the limited number of educated British Indians whom the Government is ready to admit each year—and does not demand that Indians domiciled in one Province should be free to take up their abode in any part of the Union, we hope and believe that the Central and Provincial Administrations will be able as well as ready to meet many, perhaps most, of his wishes. The situation is a delicate one, having regard to popular sentiment and prejudice, but if it be approached in a moderate and reasonable spirit on both sides a solution should be devised before Mr. Gokhale leaves our shores.—*Star*, October 29

MR. GOKHALE.

The visit of the Hon. Gopal K. Gokhale to South Africa has been noted in no mean way by our capitalist press. Surprising as it may seem to those who expect some little consistency from our rulers, this Indian visitor has been received with open arms and heralded in terms of equality and brotherhood by our Mayors and leading citizens, all of which gives us food for serious thought.

When Keir Hardie arrived in Johannesburg he was received with brickbats and rotten garbage and was in danger of his life—this because he was a known sympathiser with the oppressed coloured races, and particularly for the manifestations of this, expressed in the cabled reports of his utterances during his Indian tour.

It seems to us quite clear that there is no "colour" line drawn by our rulers and masters. When the sympathisers of the Indian—as in the case of Keir Hardie—represented the world's workers, his white skin was no protection to him. When, however, one of the ruling few of India, a champion of his compatriot law-resisters, arrives, the colour of his skin is no obstacle to a Mayoral reception at Park Station and a drive elbow rubbing elbow with the Mayoress and knee rubbing knee with our Mayor.

Our rulers and masters ever were a cowardly lot and lacked the courage to mete out to Mr. Gokhale the same human treatment accorded Mr. Gandhi and his fellow Indians. Mr. Gokhale bravely asserted that he came prepared to undergo the same punishments as his fellows, and, despite his indifferent health, it seems a pity to us he was not called upon to do it. His will be an exceptionally perceptive and penetrating intellect to see past the hypocrisy of his newly-made and sycophantic European friends and conjure the awful cruelties they are capable of meting out to the less distinguished of his own people.

Showing India's Teeth.

Mr. Gokhale's speech at the banquet given in his honour, was masterly, brave and impressive. His comprehension of the whole problem—if the result of petty business prejudice deserves the term—was amazingly accurate. Without missing any detail, and in a few words, he depicted the whole situation and reduced the points in dispute to three, two of which he conceded to the white, the third—that of trade jealousy—becoming the sole bone of contention.

Out of 150,000 British Indians in South Africa, 120,000 came as indentured Indians, the remainder following in their wake, presumably being lawyers, doctors and other business and professional men. These were induced to come by tempting offers and promises extended to them by the whites—or a section of them—in South Africa. They were promised facilities for settling in South Africa, and equal opportunity with other British subjects to advance and uplift themselves. They owed their presence here to the whites and their grievances were due to the unfulfilled promises of those who induced them to come here.

With these facts before him, Mr. Gokhale rightly took a firm stand and in polite language described the mind and temper of the Imperial Government backed by the British people, and a greater spectre than all, the mind and temper of the 300 million people of India. The British Government can only back up South Africa at the risk of losing India to the Empire, and whatever way it is looked at, the continued persecution of local British Indians cannot but prove disastrous to the handful of arrogant, self-interested persons who oppress them so relentlessly.

Mr. Gokhale showed his listeners the teeth of India, and we hope it will impress them. Our own opinion is that,

if ever India steps outside the British Empire, it will be the beginning of the end of the white man's dominance on this earth. Let India join China, Japan, and other coloured peoples and nothing but a return from the nebula from which our earth came, will save the white races of the world.

The Crux of the Question

The crux of the whole question, as Mr. Gokhale wisely divined, lies with the petty trade jealousy which springs from the comparatively small trading section of the community. Unless the Indian is of considerable benefit to the consumer, he cannot exist. If the objection to the Indian came from the whole people he would have to return to India or starve, for he draws his support entirely from the white people. True, he is a serious competitor of the white trader, but then, the white traders are serious competitors of each other. Indeed it would be much more sensible if competition was vigorously opposed instead of the Indian. The Indian is not responsible for the woes of the London trader, and his elimination in the Transvaal would not benefit more than a few big businesses, or an equal number of whites who do not live above the Indian plane.

As far as the worker is concerned he owes nothing to the large trader. The latter buys his labour in the cheapest market, so cannot complain if the labourer similarly buys his commodities in the cheapest market. Thousands of white persons would go without butter on their bread if it were not for the Asiatic trader, and so long as there exists whites who receive miserable wages he will still have his patrons. Solve the problem of poverty and poor wages and the Asiatic question will solve itself.—*Voice of Labour*, November 1.

THE INDIAN QUESTION.

To the Hon. Gopal Krishna Gokhale, C.I.E., we offer a hearty and respectful welcome, since the advent of an Indian statesman who occupies the important position of a member of the Viceroy's Council to South Africa is an occurrence which even a sectarian organ cannot well refrain from referring to. More particularly is this the case when the gentleman in question comes here with a view to right a wrong, and by means of a combination of his own incomparable experience in India, together with his earnest endeavour to acquaint himself with local conditions to find a way out of the present *impasse*. During the years of struggle which the South African Indians have had, this journal has not infrequently taken up an attitude dictated by a sense of ethical righteousness as opposed to the standpoint of material exigency and, after listening to the able, eloquent, passionless and statesmanlike address delivered by Mr. Gokhale on Tuesday evening last, we cannot but feel that there is the possibility of the adoption of a *modus vivendi* in the treatment by the Union Government of their fellow British subjects from the East. We use the phrase "fellow British subjects" advisedly, because it is the Imperial aspect of the question that particularly appeals to the Jewish members of the great British nation. As Mr. Gokhale pointed out, the contentment of the vast peoples of India is a consideration to the British Empire, and we in South Africa—or, at all events, that Unionist section of the population of this country which is so fond of prating of the Imperial aspect of our connection with the Empire—must realise that there is also an Imperial aspect in regard to our treatment of the Indian residents of South Africa. It is not only the law which is at fault, but the peculiar method of its administration and the manner in which respectable Indians have been made the butt of the indiscretions, not to say the personal cruelties of uncivilised or brutal police officers, reminds one more forcibly of the treatment of our co-religionists in Russia than of the prosecution of justice in a British colony. Happily Mr. Gokhale will succeed in the finding of a *via media* in connection with the treatment of his compatriots, and if such a path of progress be discovered no one will more heartily rejoice in its adoption than the Jewish people of this sub-continent.—*S.A. Jewish Chronicle*, November 1.

MR. GOKHALE'S MISSION.

This morning we publish an account of a special interview which a representative of the "Transvaal Leader" has had with the Hon. Mr. Gokhale. In this conversation our distinguished Indian visitor has gone somewhat further than in any of his public speeches. He speaks much more seriously and emphatically, for instance, about feeling in India regarding the treatment of the Indians in South Africa. He even goes to the extent of warning us that British rule in India is being jeopardised by the attitude which South Africa has adopted. In many ways this is a remarkable statement. Mr. Gokhale is no irresponsible voyager, but a member of the Viceroy's Council, and an accredited spokesman of public opinion in the Indian Empire. Coming from such an authority, the suggestion that the Indian Government might retaliate against South

Africa cannot be lightly dismissed. We do not know that the kind of retaliation hinted at by Mr. Gokhale would be very effective, since the total bulk of South Africa's trade with India is not considerable. We may, however, dismiss consideration of this point, since the last thing that any section of the South African people desires is to see a feud between the people of India and those of South Africa. Evidently Mr. Gokhale regards us in South Africa as being comparatively indifferent to the Imperial aspect of the Indian problem. We think, however, that as he comes to know more of the country, and to digest the views of its politicians and publicists, he will alter his opinion on this point. South Africans realise that the Indian as a British subject is entitled to full rights of citizenship in his own land. Nor is there any disposition to treat him as a serf when he becomes an immigrant to this country. But the dominant race in South Africa is faced with a task which no other branch of the European race has to face. It has to maintain a white civilisation in a country which is overrun by black races. Its responsibility for these races is undeniable. In our hands, and ours alone, rests the burden of providing for the development of these subject peoples. Obviously, since the coloured inhabitants in the Union outnumber us by five to one, we can only do this by maintaining, with all vigilance and determination, the citadel of European civilisation. To open this citadel to members of a non-European race is to endanger the supremacy of the white in South Africa. We fear that this aspect of the matter is not considered seriously enough by Indian critics of South African policy. They do not realise that we who are responsible for the government of South Africa, and to whose hands is committed the destiny of South Africa as one of the great self-governing Dominions, are struggling for the solution of a problem which at times appears to be almost past human wisdom. But, indeed, the right of self-governing Dominions to differentiate between people of European and those of non-European descent—provided such differentiation does not involve absolute injustice or persecution—must, in any reasonable discussion of this subject, be fully conceded. To tamper with this right would endanger the very life of the Empire, and it would be fatal in the case of South Africa, where our position as a small European community, situated among a large native and semi-civilised population, has forced upon us the position of having to legislate directly to the permanent advantage and privilege of the white race, and even to embody the principle of European supremacy in our Constitution.

At the same time we feel deeply the necessity for preserving complete peace and harmony among the different races and countries of the Empire. This can only be done by the statesmen of one country endeavouring to understand the circumstances of the other. Mr. Gokhale is one of the first statesmen of India. He is one of the leaders of a people who have behind them great and brilliant traditions, and who have built up a spacious and ordered civilisation. But Mr. Gokhale, before his South African visit is concluded, will, we feel sure, appreciate the difficulties which arise when the civilisation of the Indian in South Africa clashes with that of the European citizen. And it is well that those who listen to his able and earnest speeches should guard themselves against the impression that it is only the self-governing Dominions—and South Africa in particular—which have set a limit on the citizen rights of coloured races. As Mr. Gokhale is no doubt aware, the Imperial Government has actually introduced a colour bar in the Straits Settlements. But, so far as our own case is concerned, we rely on the good sense and statesmanship of Mr. Gokhale. Like a good advocate, he is putting the case for his client to us as strongly as possible. And we have hopes that some measures may be devised for lightening the restrictions against Indian subjects at present domiciled here, without endangering the position of the European race in South Africa, the maintenance of which is a duty we owe to civilisation. But any solution of the question must depend largely on an intelligent understanding by the Indian politicians and people of the difficulties of our position in South Africa. We look to Mr. Gokhale to endeavour to bring about such understanding among his own people in India, on his return to that country.—*Transvaal Leader*, November 1.

INTERVIEW WITH MR. GOKHALE.

Feeling in India.

Growing Demand for Retaliation.

The Imperial Aspect.

The Hon. G. Gokhale is being kept busy receiving a constant stream of people of all classes and complexions at the rooms which have been taken for him in Chudleigh's Buildings. He received a representative of the "Transvaal Leader" between a visit from Mr. Creswell, the Labour leader, and the introduction of a deputation of Parsees.

In view of the seriousness of the statements made by Mr. Gokhale, as a responsible statesman, at the Carlton Hotel reception on Tuesday evening in regard to the feeling aroused in India by the state of affairs in South Africa, he

was asked whether he was correctly understood to suggest definitely that British rule in India is being jeopardised by the action of South Africans.

"It is not," he replied, "exaggerating the situation to put it that way."

"You said that the feeling of disaffection has largely calmed down in India, but that there is grave danger of its recrudescence unless things are altered in South Africa?"

"That is so. The relations between the two sides in India are better to-day than they have ever been in my experience—that is, during the past twenty-five years. The King's visit went a great way towards bringing that about. But this South African difficulty is a difficulty which is not in the hands of the Government of India to settle, and all classes are feeling the strain of the situation. If things go on like this much further, I have no doubt in my own mind that a violent feeling of resentment will grow up."

Indians' Cry of Retaliation.

"Against whom?"

"In the first instance, this feeling will be against the European in South Africa, but it will not remain confined to him. Already there is a loud cry throughout India for some policy of retaliation against South Africa, and I do not think the Government of India will be able to withstand this cry for long."

"Now that you have stopped the supply of indentured labour to Natal what other means of retaliation are there left to you?"

"I prefer not to say anything that may be construed as a threat, but you must remember that at present the whole of India, its commerce and everything else, is open to the South African."

"To us in India," continued Mr. Gokhale, "the spectacle of a great Government such as that of this country putting itself against poor individuals of our country and administering the laws against them in an obviously unjust and harsh manner is not calculated to increase our regard for the Europeans as a race. I think it is the duty of every one interested in the relations between India and England—India and the rest of the Empire—to see to it that this sore is healed as soon as possible. And, personally, I think that if a reasonable assurance could be felt by the European public of this country on the subject of immigration, there should be every disposition on their part to set at rest the grievances of those Indians who are already here."

"You think there will be no grievance felt at the prohibition of immigration, so long as the Indians here get what you consider just treatment?"

"My opinion is, as I have stated before, that now that the stream of indentured labour for Natal is stopped, there will be very little immigration in the future, even if the law remains as it is. We are not an emigrating people, and I think any fear as to this country being overrun by Indians is quite unfounded."

This was as much as the claims on Mr. Gokhale's time allowed him to say.

Mr. Gokhale's Credentials.

While waiting to see Mr. Gokhale, the "Leader" representative had a chat with Mr. M. K. Gandhi, the local leader of the Indian people, who suggested that there were certain questions about Mr. Gokhale's mission which he could personally answer and which it would be an advantage to put to him, from the point of view of economising Mr. Gokhale's time.

Mr. Gandhi first of all cleared up the doubt which exists in many people's minds as to the official character, or otherwise, of Mr. Gokhale's visit. "Is Mr. Gokhale," he was asked, "the formally appointed representative of the Government of India in this matter?"

"No," said Mr. Gandhi, "he comes in his private capacity, but with the full knowledge and approval of both the Indian and the Imperial Governments. Before sailing from England he had interviews with, among others, the Marquis of Crewe (Secretary of State for India), Mr. Harcourt (Secretary of State for the Colonies), Lord Gladstone, Sir Richard Solomon, and Sir Starr Jameson."

"How long will the visit to South Africa last?"

"Mr. Gokhale leaves on November 6 for Natal. Elaborate preparations are being made in Durban for his reception—on the 14th he meets Ministers in Pretoria, and then he leaves immediately, via Delagoa Bay, on his return voyage to India."

"Surely this is a very short time for the accomplishment of so important a mission?"

"It is an exceedingly brief stay, but Mr. Gokhale has to be back in India early in December for his legislative duties."

"But he expects to have all his conclusions definitely formed by the time he sees the Union Ministers?"

No Right to be Surrendered.

"That is so. Of course, in so far as the rights of Indians are concerned he can have no opinions to form. He has come with an open mind only from the point of view that he is anxious to understand the European side of the question. In theory he, as a distinguished patriot, could never think of surrendering any of the rights of his countrymen. But his conclusions as to the putting of theory into practice are open to modification by local knowledge gained from contact with those who have carried on ceaseless agitation in this country against British Indians."

In further conversation Mr. Gandhi expressed his belief, which, he said, was also Mr. Gokhale's belief, that the problem had been virtually narrowed down to the treatment of the Indian population domiciled in the Union. "As to that," he said, "Mr. Gokhale has, I think, come to the general conclusion that the Indians resident here are entitled to civic equality. That is to say, their movement within the Union should not be hampered and, under restrictions of a general character applying to the community at large, they should be allowed freedom of trade."

"How about the Free State?"

"With reference to the Free State, Mr. Gokhale is still studying the law, and it is difficult to say what his conclusions will be on that point. Personally, I feel that for yet a few years to come the Free State will retain its policy as far as the holding of land and the carrying on of trade are concerned. As far as the immigration barrier is concerned, it is part of the compromise that under the new Act the few fresh immigrants that will be allowed to come in will be free to move about in any part of the Union. They will, therefore, not be subject to the Free State restriction as to immigration, but they will be unable to trade or farm in that Province. But some day or other the Free State barrier must entirely disappear. Otherwise the Union will be a farce."—*Transvaal Leader*, November 1.

A Triumphant Progress.

The Honourable Mr. Gokhale has, as was expected, proved himself to be a King of Hearts. Wherever he has gone, so far in his tour, his dignified and benevolent personality has drawn to him the leading men of all races, who have united to do him honour. At Capetown, Kimberley, Klerksdorp, Potchefstroom, Krugersdorp, and Johannesburg, the leading European citizens have graced the various functions with their presence, and it is certain that, from the standpoint of personal and social amenities, Mr. Gokhale's visit will be a complete success. Upon the political aspects of his mission we do not propose to dwell, for the moment. These will be examined at a later date, when the tour can be observed in retrospect. Meanwhile, we sincerely trust that the tax made upon Mr. Gokhale's health by the constant travelling and frequent ceremonial, will not prove too great for his strength, and that members of the community will exercise the utmost forbearance in their demands upon his energies.—*Indian Opinion*, November 2.

OPEN LETTER TO THE HONOURABLE GOPAL KRISHNA GOKHALE, Commander of the Indian Empire, Member of the Viceroy's Legislative Council, President of the Indian Congress.

Sir,—I have witnessed with enthralling interest and not a little amusement your progress through South Africa.

You came to this country to study the Indian South African question first hand. Between ourselves, the Imperial Government, the Indian or Colonial Office, or the Department of the Dominions, I do not know exactly which, have made it very plain to the Government of this country that while in South Africa you should be "looked after," so you have had special railway coaches at your disposal, motor cars to convey you here and there, banquets have been organised at which "for the first time in the history of South Africa Indians and Europeans sat at food together," and as you say you have been received everywhere with kindness and courtesy, and even with enthusiasm.

Humbug, all humbug.

The Government of this country and the municipal governments are nervous. They know that they have treated the British Indian in the past with wicked injustice. They know that for no better reason than trade jealousy they have imposed upon him utterly unfair dis-

abilities; indeed, they have done their best to drive him out of this country. They are now afraid that you may invoke the aid of the Imperial Government on behalf of your fellow countrymen, and they think that by extending hospitality and making you welcome they may persuade you—verneuk you, we call it—into a more acquiescent frame of mind.

Now, sir, do not judge the Indian question by your reception in Capetown, or the banquet in Johannesburg, or the railway accommodation, or your invitation from the Government to be its guest, but when you come to Pretoria dress yourself in ordinary Indian costume, a la Haroun al Raschid, come with me and board the Sunnyside or Arcadia tram. You, a member of the Viceroy's Indian Council, President of the Indian Congress and Commander of the Indian Empire, will not be allowed to ride upon that tram, indeed, you will be lucky if the conductor does not grip you by the scruff of your neck and fling you out.

What is the Empire of India to the Town Council of Pretoria?

Again, recollect that here in Pretoria you have no right to walk upon the footpaths. You may be a member of the Cabinet that rules the India, you may be President of the Indian Congress representing three hundred millions of people, you may be the confidant of the Emperor of India, but in Pretoria, thanks to the wisdom of Sir Johannes van Boeschoten, Mr. J. H. L. Findlay, Mr. Andrew Johnston, the members of the Labour Party, and other distinguished alumni of Empire, you are a coloured person, a coolie, and you have no right at all excepting that grudgingly allowed you before the Courts of Law.

If residing here for a little while, you desire to take part in any public function, you and your compatriots would be relegated to seats or enclosures for coloured persons. The Mayor, our local first citizen, would deem himself degraded if he asked you to a Gaiden Party. You may not ride in a cab unless it is one especially reserved for coloured people. There is a part of the Railway Station and carriages reserved for such as you and your countrymen. If you appeared at a theatre or a bioscope you would be refused admission. Even if you were a Christian and you attended any other than the English Church, you would have to take your seat humbly at the back, while your "betters" by virtue of their colour hobnobbed with the Deity from the front seats.

If you lived here you would have to pay Municipal taxes, but you would have no Municipal representation; you would pay national taxes, you would have no vote, but—make this a big but—if you were a Russian, a Dago, a Greek or an Assyrian, you would be allowed upon the trams and footpaths, you might own land, there would be no restrictions to your trading rights, no matter whether you were a British subject or not, you would be "white," and therefore entitled to all trading and other privileges, and then after you had been six months in the country you would be allowed, on taking the oath of allegiance, to have a political and Municipal vote. Humorous, is it not? You, the trusted adviser of the Emperor, cannot ride on the Pretoria trams, because, forsooth, you are not white. The dirtiest foreign refugee, the scum of his nation, is entitled to all the privileges refused to you. That is the Indian South African question in a nutshell. You, Indians, who throughout the war stood loyally and courageously by the Empire, are helots before the faces of our new-found friends, the Dutchmen, who fought earnestly and desperately to drive the Empire out of South Africa. That is the position, and it is a blot upon and a disgrace to the Union Jack.

I do not say this because you happen to be here. I have said this ever since I edited this newspaper.

Well, what of the future? I can put my policy in a very few words. No more Indians to come into the country, but those who are legitimately here to be treated justly.

You will say, Why are no more to come? I reply. Most of the Indians who come here, now that the indentured system of labour in Natal is done away with, belong to the parasitic classes. Now we have got all the traders we can do with in South Africa. We have a cosmopolitan community of aliens who produce nothing, who brought no capital into the country, who merely deal with the produce and the money of the country, and who insert themselves between producer and consumer, to their own advantage, but to the detriment of both the others.

We don't want any more traders; they would hinder rather than help our National development.

We don't want any more indentured labourers because, as you will admit, they are not of the highest class, and we have already in South Africa a very difficult problem to solve. We have to deal with a huge proletariat standing upon the threshold of civilisation and but lately emerged

from primeval barbarism. South African terminology calls this the colour problem.

It is not the colour problem exactly, but, roughly speaking, the very white man is at the one end of the scale of civilisation and the very black man at the other.

Furthermore, we British and not you Indians fought for and conquered this country. We took it from the native, we took it from the Dutch, we paid a price for it, in dead and wounded and money, and I think we have a right to ask you, of the Great Indian Empire, to let us have this portion of the greater British Empire to ourselves.

If the white man in the street were certain that no more Indians excepting a few professional men, say fifty every year, were to be admitted to this country, he would, I think, be more content to grant civil and municipal, and even political rights to the Indians already here.

On the subject of the franchise I agree with you that the colour disability is unfair, improper and even indecent, and, between ourselves, the colour disability cannot last much longer, because if it were enforced, it would affect so many people in South Africa who sit in high places. The slave owners of the elder days of the Cape had eastern views in regard to morals, and they made more than friends of some of their women slaves. Consequently there is a strain of swarthy blood—not Asiatic, but negroid blood—running through many of the old families of South Africa which makes discrimination very difficult.

I should not press, therefore, if I were you, for any political or even municipal franchise rights at this moment, but look out for the new Franchise Bill which must sooner or later come before the Union Parliament. That Bill will contain no colour disability, but I hope educational and property and civilisation qualifications under which all good South Africans, black or white, English or Dutch, Christian or Pagan. Home-born or native-born, new-comer or old colonists, will be given fair and just representation.

In conclusion, sir, a word of advice. Be strong.

Remember that your old friend, Mr. Gandhi, in the last dispute beat General Smuts to a frazzle, beat him as we English have never been able to beat him. He is not now Minister of the Interior; you have got a much more amiable person in the shape of that venerable and quiet, lovable father of Afrikanderdom, Mr. Abraham Fischer. Push him, sir, insist upon justice for your Indian fellow-countrymen, and remember that, although the cowardly Liberal Government is in power, they are probably more afraid of you and the Indian Empire than they are of Mr. Fischer and the Union Government. After all, we are not going to war in order to save a few privileged merchants from competition.

Furthermore, I do not believe that these merchants are so sunk in selfish parochial greed that, when once they realise the Imperial aspect of the question, they will persist in their attacks upon the Indians. Our merchants as a whole are British, they love the Empire, they have the British sense of fair play but they have been misled in the past by self-seeking agitators, they only want the situation put fairly and fearlessly before them and they will recognise that the Empire which protects their commerce and makes their oversea trade secure has claims upon them, and they will, I feel sure, give their fellow British subjects, whoever they may be, a fair field. To illustrate the inconsistency of the position of many white men over this Indian question, let me recount a small story.

I met a friend of mine the other day, a politician of considerable standing, a man within the Councils of the Cabinet, though not a Minister. He expostulated with me on my attitude towards your fellow countrymen. He said "The Indian trader can live on the smell of an oil rag, consequently he can outdo and undersell European tradesmen; it is not fair competition," but I said "the simple life is the virtuous life. Would you penalise a man because of his virtues?" "Well," he replied, "I do not like these virtuous beggars exactly as I do not like tee-totallers, and—well! What damn cheek!"

He pointed to an Indian lady who was being driven through the town in a carriage and pair belonging to an Indian merchant. "Hallo," I said, "I thought that your complaint was that they lived upon the smell of an oil rag. You seem equally to object to their spending their money upon a carriage and pair, like the wolf in the fable, who put an end to the argumentative lamb by gobbling him up." He lost his temper and answered: "Well, I do not like these damn coolies anyway."

There, sir, you have the attitude of four white men out of five in South Africa. They are all very civil to you, but when you are gone they will treat your compatriots exactly as they have done before.

When you come to Pretoria I hope to see you. We will try the tram experiment together.—Yours,

V. S.

—Pretoria News, November 2.

WHITES SQUEEZED OUT.

Mr. Gokhale's Views

Problem of Indian Competition.

Indisputable Facts.

SPECIAL TO THE "NATAL WITNESS."

Everyone who has heard the Hon. Mr. Gopal Gokhale speak must have come to the conclusion that he is a remarkably shrewd gentleman, and also that he has the history of the question of Indians in South Africa at his finger-tips. He stated at the meeting in the Town Hall, Durban, on Friday night, that "a solution of the difficulty would only be possible if the two sides entered into one another's feelings. There were," he said, "trade jealousies and competition and the like, but these he put on a lower footing, because, after all, people wanted to get their things as cheaply as possible, and if the Indian sold his goods at a cheaper price than the European he was surely entitled to do so."

Now, Mr Gokhale may consider the fact that an Indian is able to sell his wares cheaper than a European a matter of no consequence, and one on a lower footing than many of the other questions connected with Indians in South Africa, but the average thinking man is inclined to give this question the first place. It is one around which the future relationship of the two races in South Africa must revolve. Too often where trading facilities have been equal the white man has had to withdraw. It is not so much, perhaps, that the Indian trader is supported by the Europeans, but in the sparsely populated towns and villages, the retailer (whether white or black) depends to a very great extent upon the native and Indian buyer.

The distinguished visitor will pay a visit to the Hon. Marshall Campbell at Mount Edgecombe before leaving Natal, and it is to be hoped that the run will be extended to Verulam and Tongaat. At these places Mr Gokhale would find scores of Indian traders where before there existed dozens of European dealers. The European storekeepers, who dealt almost entirely in Kaffir goods, have had to give way before the competition of the Indians. It is not difficult to understand why this should be possible, because the method of the living of the two races is so absolutely different, as Mr Gokhale admitted himself on Friday. The European dealer pays his assistant a living wage as regarded from the European point of view, and himself draws a sufficient sum to live in the style his position calls for. On the other hand, the Indian has no position to maintain, nor have his assistants, whose remuneration is often less than a sovereign a month with food. Then, again, the building which satisfies an Indian storekeeper would, in many cases, hardly be deemed fit for a poultry house by a European, consequently the rates and rents are higher for the white man than for the black. How is it possible, then, for the European to stand out against an Indian competitor under conditions such as these?

On the North Coast.

The two towns mentioned are by no means singular, and are only referred to because of Mr. Gokhale's proximity to them. Higher up the north coast it can be said that Stanger is equally badly off. Years ago there were quite a number of European storekeepers, to-day their places are filled by Asiatics, and yet our distinguished visitor tells us that this question of trade competition is to be placed on a "lower footing." Fortunately, in Eshowe, in Zululand, the Arab and Indian trader is barred, and conditions there are ideal. On the main line the facts are as poignant, Ladysmith, Estcourt, and Dundee tell the same tale of white storekeepers squeezed out by the Indians. In Durban, the white dealer, unless in a large business, finds it most difficult to live in competition with those he has been asked to welcome unreservedly, and to consider his equal, for the reason that both serve under the same flag.

Mr Gokhale stated at the meeting on Friday night referred to that "the European element must continue to be predominant in this land—that it must be made to feel that its position was absolutely secure, the Government must be in accordance with Western traditions and modes of thought." It is to be hoped, therefore, that he will meet the Durban Chamber of Commerce to-day in the spirit of the full realisation that there can be no security of Western traditions or modes of thought if the trade of those who live for Western modes of thought is threatened by a party "different in tradition and mode of living."

It will be noticed that this article deals with store-keeping, but the unequal competition goes on just as strongly in the trades. There are Indian carpenters, Indian tailors, and Indian mechanics, who undercut the Europeans in all branches of trade.

The outcome of Mr Gokhale's interview with the Durban Chamber of Commerce will be awaited with interest.

MR. GOKHALE'S VISIT.

A Free State View.

Bloemfontein, November 5th.

The *Friend* has a leading article dealing with Mr. Gokhale's visit:—

It is quite clear that we are to have the Indian question to fight all over again. Mr. Gokhale's visit to South Africa, which, we were told, was one to gain information at first hand, has turned out to be a tour of active propaganda pure and simple. He is agitating and inspiring the Indian and the Chinese communities to revolt, and he is, perhaps unintentionally but nevertheless certainly, stinging up the coloured and native populations of the Union to make demands which cannot be acceded to. It is quite clear that if the Government are to accept Mr. Gokhale's demands to give civic liberty, freedom of trade and other privileges to Indians and Chinese, who are not an indigenous people, they cannot very well withhold similar grants to the coloured and native people of the Union, who, their colour aside, and after all is said and done, have their permanent homes here and are South African by birth and ancestry. It would obviously be unfair to give rights to strangers and undesirables like the Indian coolies which are refused to our own coloured population.

A Decision Necessary.

That is one aspect of Mr. Gokhale's campaign. Another is that although we are totally at variance with his views we welcome his presence. It lets the Europeans of South Africa know exactly where they are. They must make up their minds what they are going to do. They may agree to Mr. Gokhale's demands, take his threats lying down—and sell the birthright of their children, or they may say, once and for all, that they shall put an end to all controversy, in South Africa at least, by laying it down that they shall rule this country in their own way and for the benefit of themselves and their posterity. For ourselves, we refuse absolutely to allow the question of India, or the "Imperial factor" as it is called in this connection, to enter into this matter. If the people of Great Britain care to continue burdening themselves with the governance of India, and thus preventing the various tribes of the three hundred millions in that country from eating each other up, that is the affair of the people overseas. It is not South Africa's. It is no more South Africa's affair than it was Australia's when England made Japan her ally. Despite that alliance Australia was determined to have a White Australia, and she said not only would she not allow any more Japanese or Chinese to enter her ports, but she would clear out those who were within her borders. That is the policy we want to see South Africa take up in regard to the coolies.

Mr. Gokhale's threats leave us with our withers unwrung. When his Government stopped the supply of indentured coolies to Natal, under the impression that they were retaliating on South Africa, they did this country an almost incalculable service, for whatever a few sugar planters in Natal might have liked, the Europeans of South Africa as a whole did not want to see a single additional coolie landed here. Mr. Gokhale says—"There is a loud cry throughout India for some policy of retaliation against South Africa, and I do not think the Government of India will be able to withstand this cry for long."

Asked what could be done in that way, he said that at present the whole of India, its commerce, and everything else is open to South Africa—his idea being no doubt that what is now open might be closed to us. The threat is an idle one. Our trade with India is not excessively great, and even if it was it would be better to lose it than to sell our heritage. Our commodities, such as diamonds and gold, would continue to be bought by Indian people as they are to-day, not direct, but through European markets. In any case, were the Indian Government so unwise as to retaliate on South Africa we could retaliate on them, and no doubt could use influence with the British Dominions which desire to remain white to do likewise. We have no feelings inimical to the people of India progressing and developing, and we are glad to hear that they have "imbibed the spirit of freedom"; but we do say that the improvement should take place in their own country and not in ours at our expense.

The Old Cunning.

Mr. Gokhale is as subtle as his compatriot with whom his name is in alliterative concord—Mr. Ghandi. He has made a plan. Its underlying principle is as cunning as each and every one of the schemes hitherto put forward by the Indian leaders in this country. He says in effect:—"Give me so much, and I won't ask for anything more." It is morally certain, however, that if he gets what he now asks for he will immediately commence a clamour for something additional. Mr. Gokhale says that if we compromise with the Indians in South Africa there will be an

undertaking that no more will come. In return for this promise he wants the South African Indians to get:—Civic liberty, i.e., unrestricted movement throughout the Union; (2) freedom of trade; and (3) the removal of the Free State barriers. This is what comes of General Smuts' attempt to compromise with them last session. In demanding unrestricted movement throughout the Union (which would mean incidentally that the Free State would be flooded with coolies from Natal) the Indian leaders are already demanding much more than was provided for in the Bill of last session. Indian diplomacy is all take and no give. Upon Mr. Gokhale's own showing, emigration from India to South Africa is practically ended, and is not likely to restart. Why, then, should South Africa give away very substantial benefits in return for something that is not likely to happen? In any case, without granting civic liberty and freedom of trade, our existing laws are comprehensive enough to prevent Asiatic immigration—and these laws can be and ought to be materially strengthened.

The Free State Laws.

Mr. Ghandi declares that "the Free State barrier must entirely disappear, otherwise the Union will be a farce." The possible farce could be prevented if the Free State laws were extended throughout the Union. That would give the uniformity that Mr. Ghandi deems so essential. We do hope that the Union Government will show no signs of wavering on this vital matter. We believe European South Africa is prepared to fight the issue to a finish. If the Imperial Government vetoes any Act passed by the South African Parliament on the subject, our advice would be that Parliament should immediately be reassembled and the law re-passed. Such a demonstration would show Downing Street that South Africa was in earnest and was determined to have the final say in matters which to her are those of life and death.—*Times of Natal*, November 8.

THE VISIT OF MR. GOKHALE.

The Hon. Mr. Gokhale, who arrived in Durban last night, has been heartily welcomed in Natal, and his welcome in Durban will be no less sincere than it has been in the other parts of South Africa which he has visited. He is the most illustrious member of his race who has ever been in this country, and, as Sir William Beaumont said at the public reception in Maritzburg on Thursday evening, it was a pity that such a visit had not been paid years ago, as it might have saved a great deal of trouble and misrepresentation, and have prevented many mistakes. There are two sides to every question, and, although it is a very well-worn platitude, it is one that is neglected to an extraordinary extent. In South Africa the Indian side of the question is very much neglected, and in India we have no doubt the South African point of view is often seen in a wrong light. It is something to the good that an Indian statesman of the high-standing of Mr. Gokhale should come to South Africa to study the serious problem of the relationships between the European and Indian communities at first hand. It may do something to remove misconceptions on the part of the people of this country as regards the Indian point of view, and Mr. Gokhale on his side may be able to see that there have been misconceptions in India as regards the grievances of his compatriots in this country. We believe that a certain part of the trouble has been created by the abuse of power on the part of some of the men entrusted with the authority of immigration officers, but as regards the £3 licence tax the only remedy compatible with justice is its abolition—at least so far as women are concerned. It was never intended to apply to them, and the manner in which it has been applied cannot be justified. Mr. Gokhale, more than any other man, is responsible for the stoppage of the indentured system, and although it may cause a certain amount of inconvenience to some of the Natal industries, it is a system that could not be continued with any show of reason in the face of the restrictive immigration laws. We hope that Mr. Gokhale when he leaves South Africa will carry with him the feeling that South Africans are not quite so black as they have been painted at times, and that the result of his visit will be a compromise which will remove the real and legitimate grievances which the Indian community have had, and the inauguration of an era of better feeling between the different sections of the population, which, if not on a basis of actual equality, will be more in the direction of justice and equity than it has been on occasions in the past.—*Mercury*, November 9.

Welcome to Natal.

By the time these lines appear in print, the Hon. Mr. G. K. Gokhale will be in our midst. We tender him a very hearty welcome to Natal and to Durban, and assure him, on behalf of the Indian community, of our best efforts to make his stay as pleasant and as useful as possible. It

is with the keenest regret and concern that the community has learnt of the grave strain upon Mr. Gokhale's physical vigour imposed by the exigent duties that he has assumed in coming here, and we earnestly trust that all sections of the community will unite to relieve the honoured guest of the unnecessary fatigue in connection with his visit. We all unnecessarily acknowledge the sympathetic help that has been offered by the leading European citizens of the Colony and the Borough, and sincerely hope that the good feeling aroused by Mr. Gokhale's mission will remain and mark the inauguration of a new era in the relations of the two sections of the population.—*Indian Opinion*, November 9

THE GOKHALE'S VISION AND OUR OWN.

"I feel that the European is bound to be dominant in this country FOR AS LONG AS ONE CAN SEE." This is assuredly the most prenent of all the utterances delivered by the Hon. G. K. Gokhale, in Maritzburg Town Hall, or indeed in South Africa. On most of the Europeans present the whole speech must have had an educative effect, and both the speech and the personality which is behind it must have served to bring home to the white listeners a fact to which so many South Africans have hitherto been extraordinarily blind. Mr. Gokhale is in the very front rank of native Indians, but education and accomplishments and aspirations vary only in degree, and behind Mr. Gokhale and his fellow-leaders of Indian thought stand not merely peasant millions but thousands and tens of thousands of highly-educated, aspiring, wide-awake men. Mr. Gandhi is of another type, but he too has a keen personality, and there are far more Gandhis in India than the average white man who talks of "Asiatics" can imagine. With regard to the present and the future, what South Africa has to take count of is not the "vices of the East," but the virtues."

"For as long as one can see"—but in the case of Eastern sage or Western statesman, as in that of the Sam Wellers as a nation, vision is limited. . . . The Middle Ages are past and gone, but to-day, in the Twentieth Century, when the war between Asiatic and European is industrial, the law of self-preservation is as strong as ever. It is seen in India, whose Gokhales and Gandhis, whose cultured sons, plead—and with much reason—for a greater voice in the councils of State. It is seen in Canada and in Australia; and in Melbourne or Sydney, in Brisbane or Rockhampton, in Cairns or Cooktown, the view that is taken of Japan, for instance, is in the nature of things widely different to that of the man who walks daily from Chelsea to the Strand. It is seen in our own country in the trend of legislation and in the tone of public speeches, in that delivered, for instance, by Mr. T. Orr, M.L.A., when he emphasised that the white man must be paramount "For as long as one can see," said Mr. Gokhale, but those of us who were born on the soil of South Africa, or whose children's bones are shapen on the soil of South Africa, those of us who feel for South Africa what moved Shakespeare to utter, in "Henry V.," that glorious declamation which ended:

"This realm, this earth, this England," can look beyond the limits of Mr. Gokhale's vision. We see not merely a greater portion of the Natal trade passing into the hands of the Indians, but the Indian ensconcing himself as the small dealer, and the big dealer, and the artisan, in all the towns and hamlets of South Africa, and we see many of our children faced by a double and a treble competition, unable to fight against a system of underselling and a cheap standard of living, pitilessly forced to go to the wall. We see white merchants, store-keepers, clerks, assistants, messengers, mechanics—a far greater number than Mr. Gokhale's erroneous computation will allow—going under in the days that are to come. We see Mr. Gokhale's suave assurances falsified, and with internal restrictions once removed, we see the wedge being driven in, and more influence acquired by the South African Indians, and further restriction, internal or external, made difficult indeed. What matter if we who see these things will then have long passed away? It will be our children who will suffer—children the flesh of our flesh. In the days when, possibly, some misguided being may kindle a blaze in South Africa, the Indian traders and the Indian peasants that will be here will not be of the stamina that will stand in that perilous time; and, brave though they are and heroic though they have been, none of the fighters of the Indian warrior peoples shall we want here, for by the very law of self-preservation, the white man must bear the burden in South Africa, and the white man must prevail. We in South Africa, with heart and brain quickened by love for South Africa can see farther than the Hon. Mr. Gokhale, and in bidding our distinguished visitor farewell we ask him to tell the people of India that, despite one or two grievances and one or two acts of injustice (the existence of which the "Times of Natal" has already frankly admitted), the average Indian

of South Africa is far better off, socially and economically, than he would be in his own country; that it is not the mass of Indians here but the traders and dealers from Bombay and elsewhere that have laid undue emphasis on these grievances, and have been responsible for most of the stories that have been circulated across the Indian Ocean; that, whatever may have been said or done in the past, it was the most cruel and terrible injustice ever perpetrated if, with the great black problem confronting them, the children of our flesh and blood, or the children yet to be born, were to have their task made doubly hard, and the struggle of life made doubly difficult. "The European is bound to be dominant in this country FOR AS LONG AS ONE CAN SEE," says Mr. Gokhale. But the European, because of that vision of what might happen, the vision of what we have sketched, will take warning from history, warning from his own strong instinct, warning from his own strong love, and see to it that by no fault of his own, no blind policy of living in the present, will his children or his children's children unto the third or fourth—or tenth generation—ever be able to curse the memory of the dead. —*Times of Natal*, November 9.

INDIAN CLAIMS.

It pleases the leaders of the British Indians in South Africa to assume that this paper is ill-disposed towards their community. That is not the case. Our attitude is simply one of resistance to further encroachment. In the interests of the white race in the Union we cannot agree to additional Asiatic immigration. And our contention is that the demands of Mr. Gokhale must be closely scrutinised, because what the Indians want has a knack of growing as rapidly as the mango tree in the trick beloved of Indian jugglers. Mr. Ritch, who speaks for the Transvaal Indians, says no further immigration is desired. But the Natal Indians have asked not only for power to bring in "cultured" Indians, but also business managers, and clerks, etc., for the Indian commercial houses in the country. Such a concession would leave a door open for a steady stream of immigrants. Moreover, the Indian leaders are not consistent. One minute they plead that the Indians born in South Africa must be allowed to find work in the country. And the next minute they ask for permission to import clerks and managers who would take up positions which should be offered to these Indians in the country. There will be no more immigration, is the assurance given by Mr. Gokhale. We must have immigration "of the cultured elements of Indian life," cries Mr. Polak. What is one to believe?

Again on one side there is the assertion that the Natal Indians do not claim the right to go beyond the bounds of Natal. But the Indians in Natal have certainly complained of the hardship of being confined to that one corner of the Union, and Mr. Gokhale's allusion at Maritzburg to "equality" within the Union, may mean that he sympathises with them. The fact is that throughout the whole of the controversy of recent years it has been difficult to pin the Indians down to the acceptance of a definite policy. Directly they gain a concession on one point, they raise half a dozen fresh ones. And when they fail they fall back upon the old hint about Imperial intervention. Nor does it help the case to produce the names of eminent Englishmen in India who object to South Africa's policy. These men are not authorities on South Africa. They are authorities on India. They have not the faintest conception of the problems of this land, or the opinions of its people. They do not understand the dangers of the colour question in the sub-continent, and they always seem to think at heart that South Africa would be much better governed if its administration was based upon Indian ideals. This question affects the white race in South Africa more than anybody else. It is the white people of South Africa who must settle it. Their future is at stake, and they cannot, and will not, permit their judgment to be over-ruled by distant statesmen who do not understand the real danger of the situation, and would not be personally affected whatever happened. In this attitude there is nothing disloyal to the Empire. The best thing South Africa can do for the British Empire is to build up a white nation in the sub-continent instead of allowing it to be over-run by Asiatics.—*Sunday Times*, November 10.

GOKHALE'S CAMPAIGN.

The Hon. Mr. Gokhale's speech in the City on Thursday last will repay attentive study, and it must be admitted that he handled a most difficult subject not only with great ability, but with moderation worthy of all praise. Naturally the hon. gentleman is first of all an advocate for his compatriots and he feels deeply that they have been subjected to disabilities in South Africa, which he holds to violate their rights and privileges as subjects of the Empire. Not one of us, however desirous he may be to check the flood of Indian immigration, could deny that the restriction act has been responsible in its working for many harsh

actions, and the strictures of our judges in several instances fully support that view of the position. Nor did Mr. Gokhale fail to emphasise the fact that the Indians now in Natal were for the most part brought here for the benefit of the European residents and were therefore entitled to special considerations. Claiming fully as much loyalty to the flag as could be displayed by Natalians, he urged that Indian loyalty was largely based upon self-interest, because the thinking portion of his countrymen realised that beneath that flag not only were they thoroughly protected but that they enjoyed all the rights and privileges free men could possess. The plain inference was that here as a portion of the Empire the Indian should be in the same position as he is in India, and though this was not said in so many words, it no doubt is one of the points made in the claims that will be presently put before the Union Government in order to endeavour to arrange a settlement of the question. Mr. Gokhale does not, however, by any means demand the right of unrestricted entrance into the country, for he acknowledges that the supremacy of the European must be unquestioned. Nor does he openly ask that the franchise should be exercised. He simply pleads for a compromise.

As we have said, Mr. Gokhale has made a strong case, and he has urged it with a calm conviction that adds force to his arguments. We are not amongst those who indulge in unreasoning invective against the Asiatic, nor did we ever join the ranks of those who would drive him out of the country, regardless of the consequences. On the contrary, we have invariably acknowledged that he has been of great use in a number of ways to the white community. The sugar industry would never have been a success without his labour. He has made himself almost indispensable to the collieries, and we are indebted to him as a small farmer for supplies of many of the necessaries of life. Moreover, he is a law-abiding, orderly citizen, who gives little or no trouble to the authorities. All this constitutes a creditable record, and tends to support the conclusions Mr. Gokhale evidently would have us draw for ourselves. But there is another side of the question, at which we must look carefully, if only for our own protection. We have, unfortunately, in Africa a very sparse white population, and we have a native one that is constantly increasing in a far larger ratio than our own. Therefore, if, as Mr. Gokhale admits, it is imperative that the European remain predominant, it is difficult to see how the restriction on Asiatic immigration can be relaxed. That was the view taken by the late Harry Escombe when he passed the Act which has since been assimilated by both Canada and Australasia, and that was the reason he deprived the coloured races of the franchise. Mr. Gokhale implies that he would limit the number of immigrants to be admitted yearly, and this is really the proposal of those who are represented by Mr. Gandhi. The proposal was virtually accepted by Mr. Smuts, and the only reason that can be assigned for the withdrawal of the Bill embodying the compromise is that some larger concessions were contemplated in order to placate those from whom presently a Union loan will have to be obtained. There could be no valid objection to the admission of a limited number of higher class Indians annually, but neither Mr. Gokhale nor the whole Indian Council can guarantee us that when once the door is opened the country will not be flooded with undesirables from the East, and this will be a white man's country in name only. That is the risk we run in relaxing the terms of the restriction Act, and no oratory, however eloquent, should divert our attention from the most careful consideration of it in all its bearings.

There is yet another point relating to this question which should not be passed over lightly. If we allow Indians to come in freely, the race will soon, with the natural increase of those permanently settled here, so outnumber the Europeans that it will be impossible to deny them a share in the government of the country. That once done, the natives, who are in much larger numbers, and who are in addition the aboriginal owners of the soil, can hardly be refused the franchise, at least when they reach a certain stage of civilisation to which they are approaching far faster than the average observer realises. It needs no clairvoyant to foretell the results of such a policy, but suffice it to say that if such a state of things comes to pass South Africa will no more be a white man's country than is Hayti or San Domingo. Every one is fully alive to the value of the sugar industry, the use of our collieries, and the necessity of small farmers to reduce the cost of the necessaries of life. But it is possible to pay too high a price for the most desirable commodity, and to swamp the land with Asiatics is too large a charge to pay for obtaining an adequate labour supply. We could better do without sugar or without coal, than to materially diminish the European population, and that is what unrestricted Indian immigration comes to in the long run. Of course it would be desirable to renew the Indian recruiting system, and if Mr. Gokhale is prepared to negotiate as to this there could be no objection to relaxing some of the rules bearing hardly upon those Indians who have become permanent residents. But it should be distinctly understood that deportation should

ensue on the completion of indentures, and that under no possible circumstances will the franchise be granted to Indians who have become domiciled in South Africa. Reading between the lines, however, it seems clear that such a settlement is impossible, and therefore we repeat that it would be better to endure our labour shortage than to obtain supplies at the cost of swamping the European population. But there is clearly a danger that our rulers may fail us in this latter connection, and, therefore it behoves all to watch the developments carefully, and to resist to the uttermost any material alteration of the Immigration Restriction Act.—*Natal Witness*, November 11.

THE HON. MR. GOKHALE'S VISIT.

The reception accorded to the Hon. Mr. Gokhale in Durban on Friday evening was a notable one in many respects, and was in keeping with the reception which has been accorded to him by the responsible men of the European community in the chief South African centres, as well as by his own countrymen. He has been received with the honour that is due to a man who has won his way to the highest position in his own country by his own talents and ability, and by the rank he holds as one of the ablest statesmen in an Imperial Council which occupies one of the most prominent places among the great legislative bodies of the Empire. We cannot be in the Empire when it suits our material interests, and out of it when something appears to run in a contrary direction. We have people who are so blinded with prejudice that they are lost to reason, and their sense of justice and fair play is even obscured, but no State can prosper and no people can rise in the scale of civilisation and in the higher moral qualities that go to make a healthy national life, where justice does not reign supreme. The Asiatic question in South Africa is one which, of course, has aroused a great deal of prejudice, and that prejudice has unquestionably led to injustice—much of it, we believe, due more to ignorance than actual intention, and to a want of trying to see the other side of the question a little more. It would have been infinitely better if we had never had such a thing as Asiatic immigration, and to Mr. Gokhale, more perhaps than to any other man alive, we are indebted for the termination of the indentured system. So long as that system existed a solution of the problem was practically impossible, as every day its complications were being increased. The presence of the native in such great numbers is a factor in the question that we have no doubt Mr. Gokhale will realise much better now than he could possibly do if he had never come to South Africa, and he is likely also to understand more the European position. At the same time he is an Indian statesman, and it is his duty and the duty of the Government of India to see to the just treatment of the people of India, whatever they may be. They have no political rights, and naturally look to the Imperial Government to represent them when they think they are not being justly dealt with. Some of the demands which have been made on behalf of the Indians will not be granted, but we do not believe it is beyond the scope of sound statesmanship to arrive at some kind of a solution, or even a compromise, that will be reasonably acceptable. The removal of the £3 tax, for instance, is imperative, and its imposition on young girls is an absolutely indefensible law, and the actual administration of the immigration laws wants to be put on a footing that will end the chance of such cases of gross hardship as we have had to comment on so many times of late. It has been said, however, that the question is hedged round with difficulties; but the visit of a man of Mr. Gokhale's position, his study of the problem on the spot, and his discussion of it with the Ministers of the Union may do a great deal of good, and may result in some among the European community taking more trouble than they have in the past to look at the other side.—*Natal Mercury*, November 11.

MR. GOKHALE'S MISSION.

Mr. Gokhale's visit to South Africa is admittedly an event of very considerable importance to the relations existing and to exist in the future between the Europeans and Indians of South Africa, between the people and Government of South Africa and of India, and between South Africa, India, and the Empire. It is, therefore, most urgent that the clearest understanding should prevail between Mr. Gokhale and the politicians, public and press of this Dominion during his stay here, on the subject of his investigations and utterances, and the criticisms they may from time to time evoke, as, also, on the case really tendered here for his consideration as a member of the Vice-Regal Council of India, and a representative of the thought and culture of the great Asiatic Peninsula.

It is, therefore, with the utmost readiness that we draw attention to the earnest words wherewith Mr. Gokhale corrected, last night, an impression that has got abroad concerning expressions used by him in an interview with the *Transvaal Leader*, and in his speeches at Maritzburg and here. It will be remembered that our distinguished visitor uttered a warning to the people of South Africa,

on these occasions, that feelings in India were exceedingly bitter at the stories sent them from South Africa of the treatment accorded British Indians in this Dominion, and said that if this bitterness was engendered still further, there might be retaliation on South Africa by the stoppage of her trade with India, and there might even be a weakening of Great Britain's hold on India. Owing, possibly, to the difficulties of reporting the delicate nuances of an oratorical effort, these expressions have been construed as conveying something of the nature of a threat. We ourselves have expressed the hope that nothing of this nature was intended by Mr. Gokhale.

Our distinguished visitor has now made it perfectly clear that nothing was further from his intention. He said last night, and with perfect justice, that he was here on a visit of inquiry in the first place, and filled with the desire of setting the full facts of the situation, as they came to his knowledge, before the public, both of South Africa and of India.

We are convinced that Mr. Gokhale's explanation will be accepted entirely in the spirit in which it has been given. It is impossible to hear Mr. Gokhale speak without being convinced of the whole-hearted earnestness of his endeavour to arrive at the exact facts of the position, and at a solution of its difficulties that shall be at once just, workable, and acceptable to both sides. It is most desirable, therefore, that misunderstanding should be dismissed by both sides, as it is now to be hoped they have been. The threats were not from Mr. Gokhale, but from a section of the Indians of India, who are alleged to be embittered by tales from here.

That there should exist this bitterness in India will undoubtedly be noted with all due gravity and serious attention here in South Africa. That it does exist will be credited here to a certain exaggeration in the stories that reach India, and to a lack of due comprehension of the difficulties of the European population of this sub-continent, faced as it is with the task of administering a body of natives several times more numerous than itself. We harbour the belief that Mr. Gokhale's report of what he has found here will go far to allay this bitterness which he describes as prevailing among his fellow-countrymen. That the South African Indians have grievances which they are legitimately entitled to protest against will be freely admitted. There is hardly a country in the world in which some section or other of the population has not grievances to complain against, and it is the constant desire and aim of the Governments, public politicians and Press to steadily combat any such grievances when once fully established and to relieve them to the fullest practicable extent. We are convinced that Mr. Gokhale will recognise that this desire and this aim exist here. If there is a policy here that tends to the exclusion of the Indian, it is a policy directed to the exclusion of the Asiatic generally, and a policy forced on us by the presence of a large indigenous race, alien to the governing race, here already. That this policy must necessarily be fraught with a certain inconvenience, irritation, and restriction to Indians resident here, is inevitable, but our visitor will probably be fully convinced by now that it is the earnest wish of all cultured and thoughtful Europeans in this Union to make that policy as little irksome to our fellow-subjects of British India as possible. Such suggestions as he is making to that end are, as he has himself acknowledged, being listened to with every courtesy and respect.

On the whole, it should be perfectly apparent by now that much may be done to alleviate the position by mutual recognition of the difficulties on both sides, and an amicable endeavour to arrive at a mutually satisfactory working compromise. The position has grown up of itself, and is not originally the work of either of the present parties to it. When indentured labour was first introduced here, neither South Africa nor India had any anticipation that these troubles would ensue. Thoughtful Indians, of the class Mr. Gokhale represents, will thoroughly acknowledge that, when it became evident that the Asiatic population of Natal was already outnumbering the Europeans, it was inevitable that steps must be taken to prevent the latter from being swamped entirely. The obvious first step was to attempt to persuade the Indian Government to allow indentures to terminate in India. This was refused, and the refusal showed an utter absence of any desire to grasp the true position here. Mr. Gokhale asks what harm the presence of the present number of Indians here has done the general population, and contends that, on the contrary, the industry of the Indians has advanced the Colony. Well, a glance at the census will show that, in nearly every line of life, the Indian immigrant has, to varying extents, ousted the European by his lower demands for remuneration. The spending power of the Indian is less than the European, and it is essential that the numbers of the European population be increased to the utmost and not decreased. This is how it affects the general position. The whole question is, in fact, most complicated, and one rejoices to note the earnest willingness wherewith Mr. Gokhale is seeking information from all sides.—*Natal Advertiser*, November 12.

MR. GOKHALE'S "THREATS."

In Mr Silburn's speech at the ex-cavalrymen's festivity on Saturday evening, a glowing tribute was paid to Mr Gokhale, and a well-conceived appreciation was given of the place which India occupies in the Empire. Mr Silburn went on, however, to say: "I take the strongest objection to the use of veiled threats as to what India will do if the 150,000 Indians in this country do not get imaginary rights." We hold no brief for Mr Gokhale, and refer to this remark of Mr. Silburn's only because we note that certain newspapers, particularly those of Johannesburg, have read into Mr Gokhale's utterances a meaning which we do not think they can fairly be said to bear. Mr Gokhale has stated that a feeling of dissatisfaction is prevalent throughout India regarding the attitude of the governing authorities here towards our Indian population, and has asked us to consider whether anything can be done to allay this sentiment amongst our fellow-subjects in India. He has expressed his fear that if this sentiment persists and becomes more acute, it may be a cause of difficulty to the statesmen responsible for peace and order in the Indian Empire. To point to the existence of a danger is not the same thing as using a threat. Mr Gokhale has given evidence of his desire to look at the Indian question from all points of view. He is anxious to understand our views of the Indian question, as well as to present his own. Unfortunately, South African opinion is not readily induced to look at the Imperial as well as the local aspect of the Indian question. We do not think Mr Gokhale has said anything on this subject with which his colleagues on the Viceroy's Council would not concur, nor anything discordant with the attitude of the Imperial Government. Although he has spoken of possible dangers in India, we cannot see that he is open to the charge of having uttered threats either open or veiled.—*Mercury*, 12th November

THE GOKHALE BANQUET.

At the banquet given in honour of Mr Gokhale by his countrymen, in the D.L.I. Drill Hall, on Monday night, our distinguished visitor gave a most lucid and convincing exposition of his mission to South Africa. He spoke in a calm, dispassionate manner, but with such force and conviction that the majority of those who listened to him left the hall feeling satisfied that the grievances of the South African Indian community were not mythical, but were of such a character as to fully justify the mission so unselfishly undertaken by Mr Gokhale, and the fact that such men of standing as Sir David Hunter, Sir Liege Hulett, the Hon Mr Marshall Campbell, and Mr Silburn candidly admitted that the South African Indian community had for some time past been unjustly treated was the best proof possible as to the righteousness of the cause for which Mr Gokhale so earnestly and ably pleaded. Mr Gokhale, in restrained and courteous language, convincingly refuted the accusations made against him by some of the Rand papers, and Mr Silburn, of having indulged in threats either veiled or unveiled in his recent speeches. Mr Gokhale said: "Nothing was further from his mind than to indulge in threats either veiled or unveiled. He was no so vain, or so simple, or so inexperienced as to imagine that he could appeal to Englishmen in that way. He knew enough of English history and the traditions of the English race to realise that if anything were to be got from Englishmen it would not be got in these ways—but by appealing to their sense of fair play and justice." Mr Gokhale announced that the three outstanding grievances which his countrymen in South Africa were suffering under were in connection with the harsh manner in which the immigration laws were enforced, the £3 tax and the trading licences, and we do sincerely join with him in hoping that when he meets the Union Ministers in Pretoria he will be able to convince them as to the unfairness of at least certain aspects of these three specific grievances, and get them to promise to modify them in such a manner as will satisfy our British sense of justice and fair play.—*Natal Mercury*, November 13

MR. GOKHALE'S MISSION.

Yesterday Mr Gokhale arrived in this city, which makes the terminal point of his journeyings and enquiries prior to interviewing the Ministry and leaving for India. He will have gathered much information about the position of his fellow countrymen domiciled here, and will have seen their case, not only as they see it themselves but also as it is seen by the Europeans. Except Mr Gandhi, he is, perhaps, the only Indian who has had opportunity to discuss the question of his people's treatment in this country with all classes and parties of English and Dutch South Africans, and as a visitor, whose travels among us have been arranged for this special purpose, he has seen much more of our representative men than Mr Gandhi has done. Mr Gokhale has now got the view-point of both sides, and we can only hope that the statesmanship,

for which he brings so high a record, will enable him to combine the two perspectives into some practical suggestions. Before these lines appear in print he will have had at any rate a preliminary meeting with Ministers, and the question will have been to some extent answered, whether or not there is to be a satisfactory settlement. On the South African side—and we believe we represent here the view of the majority of thoughtful Europeans in this country, the problem of the British Indians has two constants; their immigration must be restricted, but we must accord good treatment to those who have acquired the right of domicile. From remarks which Mr. Gokhale has let fall at various public functions, it would appear that there ought never to have been any difficulty as to the immigration part of the question. The Indians, Mr Gokhale says, will not resent laws designed to keep them out of this country, because, as a nation, they have no wish to come here, though their trading class would unquestionably be attracted in large numbers if we would admit them without restrictive conditions. Mr Gokhale has, however, intimated that he does not expect the European community to face an economic condition which would lower their existing standard of living. Therefore, he agrees that immigration may not unreasonably be restricted by us, but with the proviso that it is done without taking derogatory exceptions to the Indians as a race. He has no objection to our excluding special classes who may be dangerous to us, but he does resent the implied insult in turning away the Indian immigrant on the ground of his nationality. In this respect Mr Gokhale speaks as Mr Gandhi has always spoken. The Bill presented to Parliament last session gets over the immigration difficulty, it gives the immigration officer exactly the same power to exclude an Indian undesirable as a British or Russian undesirable, but it compels him to admit yearly, up to a certain fixed number, such cultured Indians as may arrive at our coast and may have the intention of being useful to their own people here in some professional or religious or literary capacity. There was no reason why we should not have had this arrangement years ago, without the embarrassment and discredit of the "passive resistance" episode, had our Government been willing to listen to Mr Gandhi. The whole cause of the trouble was that we thought the British Indians and their co-Asiatics of other nationalities in this country had as little respect for themselves as we had for them. We did not suspect that there was the making of martyrs in these coloured traders. The fortitude, the moral nobility with which they suffered, conquered our respect, and with the view of ending a scandal we became reasonable. The Bill is not yet law, mainly because of the opposition of the Free State members, a group whose point of view was that the whole Empire had better be embroiled rather than concede the right of journeying through their Province of a few cultured Indians. But such stupid prejudice meets, however, with little sympathy in the rest of South Africa, and we doubt not that the Bill will become law next session. If it is amended, in other respects, there cannot be any worsening of its conditions with regard to the British Indians.

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The real difficulty lies in the treatment of the domiciled Indians. As Mr Gokhale points out, we are under the greater obligation because the bulk of them, or their ancestors, were brought into the country by a South African Government. Mr. Gokhale must, however, take into consideration the fact that it was an understood article of Union that Natal should not lodge upon the other three Provinces the responsibilities accruing to her through the importation of the coolies. The Free State, the Cape, and the Transvaal were not to be required to give rights of trade and residence of even travel to the Natal Indian. The future admission of educated Indians will, of course, be a Union Act, and whatever rights are given them must be rights throughout the Union. The case of the Natal Indians has a provincial limitation. But a satisfactory settlement ought not to be difficult. If the Natal Indians got decent treatment in Natal, few of them, probably, would desire to leave the Province. On the question of voting rights, it is clear that sooner or later the better class of Indians must be given some voice in laws which affect themselves, consistently with the retention of the country's government in the hands of the white population. The form of their representation is an arguable matter. Mr. Gokhale will, however, help his mission if he is prepared not to raise the question, but to concentrate on the necessity of decent treatment of the domiciled Indians, particularly the removal of unjust trading restrictions.—*Pretoria News*, November 14.

ensue on the completion of indentures, and that under no possible circumstances will the franchise be granted to Indians who have become domiciled in South Africa. Reading between the lines, however, it seems clear that such a settlement is impossible, and therefore we repeat that it would be better to endure our labour shortage than to obtain supplies at the cost of swamping the European population. But there is clearly a danger that our rulers may fail us in this latter connection, and, therefore it behoves all to watch the developments carefully, and to resist to the uttermost any material alteration of the Immigration Restriction Act.—*Natal Witness*, November 11.

THE HON. MR. GOKHALE'S VISIT.

The reception accorded to the Hon Mr Gokhale in Durban on Friday evening was a notable one in many respects, and was in keeping with the reception which has been accorded to him by the responsible men of the European community in the chief South African centres, as well as by his own countrymen. He has been received with the honour that is due to a man who has won his way to the highest position in his own country by his own talents and ability, and by the rank he holds as one of the ablest statesmen in an Imperial Council which occupies one of the most prominent places among the great legislative bodies of the Empire. We cannot be in the Empire when it suits our material interests, and out of it when something appears to run in a contrary direction. We have people who are so blinded with prejudice that they are lost to reason, and their sense of justice and fair play is even obscured, but no State can prosper and no people can rise in the scale of civilisation, and in the higher moral qualities that go to make a healthy national life, where justice does not reign supreme. The Asiatic question in South Africa is one which, of course, has aroused a great deal of prejudice, and that prejudice has unquestionably led to injustice—much of it, we believe, due more to ignorance than actual intention, and to a want of trying to see the other side of the question a little more. It would have been infinitely better if we had never had such a thing as Asiatic immigration, and to Mr Gokhale, more perhaps than to any other man alive, we are indebted for the termination of the indentured system. So long as that system existed a solution of the problem was practically impossible, as every day its complications were being increased. The presence of the native in such great numbers is a factor in the question that we have no doubt Mr Gokhale will realise much better now than he could possibly do if he had never come to South Africa, and he is likely also to understand more the European position. At the same time he is an Indian statesman, and it is his duty and the duty of the Government of India to see to the just treatment of the people of India, wherever they may be. They have no political rights, and naturally look to the Imperial Government to represent them when they think they are not being justly dealt with. Some of the demands which have been made on behalf of the Indians will not be granted, but we do not believe it is beyond the scope of sound statesmanship to arrive at some kind of a solution, or even a compromise, that will be reasonably acceptable. The removal of the £3 tax, for instance, is imperative, and its imposition on young girls is an absolutely indefensible law, and the actual administration of the immigration laws wants to be put on a footing that will end the chance of such cases of gross hardship as we have had to comment on so many times of late. It has been said, however, that the question is hedged round with difficulties; but the visit of a man of Mr Gokhale's position, his study of the problem on the spot, and his discussion of it with the Ministers of the Union may do a great deal of good, and may result in some among the European community taking more trouble than they have in the past to look at the other side.—*Natal Mercury*, November 11.

MR. GOKHALE'S MISSION.

Mr Gokhale's visit to South Africa is admittedly an event of very considerable importance to the relations existing and to exist in the future between the Europeans and Indians of South Africa, between the people and Government of South Africa and of India, and between South Africa, India, and the Empire. It is, therefore, most urgent that the clearest understanding should prevail between Mr. Gokhale and the politicians, public and press of this Dominion during his stay here, on the subject of his investigations and utterances, and the criticisms they may from time to time evoke, as, also, on the case really tendered here for his consideration as a member of the Vice-Regal Council of India, and a representative of the thought and culture of the great Asiatic Peninsula.

It is, therefore, with the utmost readiness that we draw attention to the earnest words wherewith Mr Gokhale corrected, last night, an impression that has got abroad concerning expressions used by him in an interview with the *Transvaal Leader*, and in his speeches at Maritzburg and here. It will be remembered that our distinguished visitor uttered a warning to the people of South Africa,

on these occasions, that feelings in India were exceedingly bitter at the stories sent them from South Africa of the treatment accorded British Indians in this Dominion, and said that if this bitterness was engendered still further, there might be retaliation on South Africa by the stoppage of her trade with India, and there might even be a weakening of Great Britain's hold on India. Owing, possibly, to the difficulties of reporting the delicate nuances of an oratorical effort, these expressions have been construed as conveying something of the nature of a threat. We ourselves have expressed the hope that nothing of this nature was intended by Mr Gokhale.

Our distinguished visitor has now made it perfectly clear that nothing was further from his intention. He said last night, and with perfect justice, that he was here on a visit of inquiry in the first place, and filled with the desire of setting the full facts of the situation, as they came to his knowledge, before the public, both of South Africa and of India.

We are convinced that Mr Gokhale's explanation will be accepted entirely in the spirit in which it has been given. It is impossible to hear Mr. Gokhale speak without being convinced of the whole-hearted earnestness of his endeavour to arrive at the exact facts of the position, and at a solution of its difficulties that shall be at once just, workable, and acceptable to both sides. It is most desirable, therefore, that misunderstanding should be dismissed by both sides, as it is now to be hoped they have been. The threats were not from Mr Gokhale, but from a section of the Indians of India, who are alleged to be embittered by tales from here.

That there should exist this bitterness in India will undoubtedly be noted with all due gravity and serious attention here in South Africa. That it does exist will be credited here to a certain exaggeration in the stories that reach India, and to a lack of due comprehension of the difficulties of the European population of this sub-continent, faced as it is with the task of administering a body of natives several times more numerous than itself. We harbour the belief that Mr Gokhale's report of what he has found here will go far to allay this bitterness which he describes as prevailing among his fellow-countrymen. That the South African Indians have grievances which they are legitimately entitled to protest against will be freely admitted. There is hardly a country in the world in which some section or other of the population has not grievances to complain against, and it is the constant desire and aim of the Governments, public politicians and Press to steadily combat any such grievances when once fully established and to relieve them to the fullest practicable extent. We are convinced that Mr Gokhale will recognise that this desire and this aim exist here. If there is a policy here that tends to the exclusion of the Indian, it is a policy directed to the exclusion of the Asiatic generally, and a policy forced on us by the presence of a large indigenous race, alien to the governing race, here already. That this policy must necessarily be fraught with a certain inconvenience, irritation, and restriction to Indians resident here, is inevitable, but our visitor will probably be fully convinced by now that it is the earnest wish of all cultured and thoughtful Europeans in this Union to make that policy as little irksome to our fellow-subjects of British India as possible. Such suggestions as he is making to that end are, as he has himself acknowledged, being listened to with every courtesy and respect.

On the whole, it should be perfectly apparent by now that much may be done to alleviate the position by mutual recognition of the difficulties on both sides, and an amicable endeavour to arrive at a mutually satisfactory working compromise. The position has grown up of itself, and is not originally the work of either of the present parties to it. When indentured labour was first introduced here, neither South Africa nor India had any anticipation that these troubles would ensue. Thoughtful Indians, of the class Mr. Gokhale represents, will thoroughly acknowledge that, when it became evident that the Asiatic population of Natal was already outnumbering the Europeans, it was inevitable that steps must be taken to prevent the latter from being swamped entirely. The obvious first step was to attempt to persuade the Indian Government to allow indentures to terminate in India. This was refused, and the refusal showed an utter absence of any desire to grasp the true position here. Mr Gokhale asks what harm the presence of the present number of Indians here has done the general population, and contends that, on the contrary, the industry of the Indians has advanced the Colony. Well, a glance at the census will show that, in nearly every line of life, the Indian immigrant has, to varying extents, ousted the European by his lower demands for remuneration. The spending power of the Indian is less than the European, and it is essential that the numbers of the European population be increased to the utmost and not decreased. This is how it affects the general position. The whole question is, in fact, most complicated, and one rejoices to note the earnest willingness wherewith Mr Gokhale is seeking information from all sides.—*Natal Advertiser*, November 12.

MR. GOKHALE'S "THREATS."

In Mr Silburn's speech at the ex-cavalrymen's festivity on Saturday evening, a glowing tribute was paid to Mr. Gokhale, and a well-conceived appreciation was given of the place which India occupies in the Empire. Mr. Silburn went on, however, to say "I take the strongest objection to the use of veiled threats as to what India will do if the 150,000 Indians in this country do not get imaginary rights." We hold no brief for Mr. Gokhale, and refer to this remark of Mr. Silburn's only because we note that certain newspapers, particularly those of Johannesburg, have read into Mr. Gokhale's utterances a meaning which we do not think they can fairly be said to bear. Mr. Gokhale has stated that a feeling of dissatisfaction is prevalent throughout India regarding the attitude of the governing authorities here towards our Indian population, and has asked us to consider whether anything can be done to allay this sentiment amongst our fellow-subjects in India. He has expressed his fear that if this sentiment persists and becomes more acute, it may be a cause of difficulty to the statesmen responsible for peace and order in the Indian Empire. To point to the existence of a danger is not the same thing as using a threat. Mr. Gokhale has given evidence of his desire to look at the Indian question from all points of view. He is anxious to understand our views of the Indian question, as well as to present his own. Unfortunately, South African opinion is not readily induced to look at the Imperial as well as the local aspect of the Indian question. We do not think Mr. Gokhale has said anything on this subject with which his colleagues on the Viceroy's Council would not concur, nor anything discordant with the attitude of the Imperial Government. Although he has spoken of possible dangers in India, we cannot see that he is open to the charge of having uttered threats either open or veiled.—*Mercury*, 12th November

THE GOKHALE BANQUET.

At the banquet given in honour of Mr. Gokhale by his countrymen, in the D.L.I. Drill Hall, on Monday night, our distinguished visitor gave a most lucid and convincing exposition of his mission to South Africa. He spoke in a calm, dispassionate manner, but with such force and conviction that the majority of those who listened to him left the hall feeling satisfied that the grievances of the South African Indian community were not mythical, but were of such a character as to fully justify the mission so unselfishly undertaken by Mr. Gokhale, and the fact that such men of standing as Sir David Hunter, Sir Liege Hulett, the Hon. Mr. Marshall Campbell, and Mr. Silburn candidly admitted that the South African Indian community had for some time past been unjustly treated was the best proof possible as to the righteousness of the cause for which Mr. Gokhale so earnestly and ably pleaded. Mr. Gokhale, in restrained and courteous language, convincingly refuted the accusations made against him by some of the Rand papers, and Mr. Silburn, of having indulged in threats either veiled or unveiled in his recent speeches. Mr. Gokhale said "Nothing was further from his mind than to indulge in threats either veiled or unveiled. He was no so vain, or so simple, or so inexperienced as to imagine that he could appeal to Englishmen in that way. He knew enough of English history and the traditions of the English race to realise that if anything were to be got from Englishmen it would not be got in these ways but by appealing to their sense of fair play and justice." Mr. Gokhale announced that the three outstanding grievances which his countrymen in South Africa were suffering under were in connection with the harsh manner in which the immigration laws were enforced the £3 tax and the trading license, and we do sincerely join with him in hoping that when he meets the Union Ministers in Pretoria he will be able to convince them as to the unfairness of at least certain aspects of these three specific grievances, and get them to promise to modify them in such a manner as will satisfy our British sense of justice and fair play.—*Natal Mercury*, November 13.

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Yesterday Mr. Gokhale arrived in this city, which makes the terminal point of his journeyings and enquiries prior to interviewing the Ministry and leaving for India. He will have gathered much information about the position of his fellow countrymen domiciled here, and will have seen their case, not only as they see it themselves but also as it is seen by the Europeans. Except Mr. Gandhi, he is, perhaps, the only Indian who has had opportunity to discuss the question of his people's treatment in this country with all classes and parties of English and Dutch South Africans, and as a visitor, whose travels among us have been arranged for this special purpose, he has seen much more of our representative men than Mr. Gandhi has done. Mr. Gokhale has now got the view-point of both sides, and we can only hope that the statesmanship,

for which he brings so high a record, will enable him to combine the two perspectives into some practical suggestions. Before these lines appear in print he will have had at any rate a preliminary meeting with Ministers, and the question will have been to some extent answered, whether or not there is to be a satisfactory settlement. On the South African side—and we believe we represent here the view of the majority of thoughtful Europeans in this country, the problem of the British Indians has two constants; their immigration must be restricted, but we must accord good treatment to those who have acquired the right of domicile. From remarks which Mr. Gokhale has let fall at various public functions, it would appear that there ought never to have been any difficulty as to the immigration part of the question. The Indians, Mr. Gokhale says, will not resent laws designed to keep them out of this country, because, as a nation, they have no wish to come here, though their trading class would unquestionably be attracted in large numbers if we would admit them without restrictive conditions. Mr. Gokhale has, however, intimated that he does not expect the European community to face an economic condition which would lower their existing standard of living. Therefore, he agrees that immigration may not unreasonably be restricted by us, but with the proviso that it is done without taking derogatory exceptions to the Indians as a race. He has no objection to our excluding special classes who may be dangerous to us, but he does resent the implied insult in turning away the Indian immigrant on the ground of his nationality. In this respect Mr. Gokhale speaks as Mr. Gandhi has always spoken. The Bill presented to Parliament last session gets over the immigration difficulty, it gives the immigration officer exactly the same power to exclude an Indian undesirable as a British or Russian undesirable, but it compels him to admit yearly, up to a certain fixed number, such cultured Indians as may arrive at our coast and may have the intention of being useful to their own people here in some professional or religious or literary capacity. There was no reason why we should not have had this arrangement years ago, without the embarrassment and discredit of the "passive resistance" episode, had our Government been willing to listen to Mr. Gandhi. The whole cause of the trouble was that we thought the British Indians and their co-Asiatics of other nationalities in this country had as little respect for themselves as we had for them. We did not suspect that there was the making of martyrs in these coloured traders. The fortitude, the moral nobility with which they suffered, conquered our respect, and with the view of ending a scandal we became reasonable. The Bill is not yet law, mainly because of the opposition of the Free State members, a group whose point of view was that the whole Empire had better be embroiled rather than concede the right of journeying through their Province of a few cultured Indians. But such stupid prejudice meets, however, with little sympathy in the rest of South Africa, and we doubt not that the Bill will become law next session. If it is amended, in other respects, there cannot be any worsening of its conditions with regard to the British Indians.

Mr. Gokhale's arrival is timely as reminding us that in the British Indians we have to deal with a people whose country gives to our common Empire a great part of its strength and prestige. Major Silburn and some of our Afrikaner fellow-subjects have talked as if the feeling of India was a thing we could afford to ignore. They ought to be aware that South Africa has more need of India than India of South Africa. India has thirty millions of fighting men. Let these stand outside and against the Empire instead of within and for it, and our own safety in this country might be gravely imperilled. By how much the withdrawal of India would weaken the Empire, by so much it would endanger our own position which, with Armageddon perhaps gathering, no intelligent South African can think of without some disquietude. Further, the withdrawal of India would destroy the most hopeful political experiment the world has yet seen—that of various races and colours and religions uniting in a free federation for their mutual safety and as an uplifting influence to mankind.

The real difficulty lies in the treatment of the domiciled Indians. As Mr. Gokhale points out, we are under the greater obligation because the bulk of them, or their ancestors, were brought into the country by a South African Government. Mr. Gokhale must, however, take into consideration the fact that it was an understood article of Union that Natal should not lodge upon the other three Provinces the responsibilities accruing to her through the importation of the coolies. The Free State, the Cape, and the Transvaal were not to be required to give rights of trade and residence of even travel to the Natal Indian. The future admission of educated Indians will, of course, be a Union Act, and whatever rights are given them must be rights throughout the Union. The case of the Natal Indians has a provincial limitation. But a satisfactory settlement ought not to be difficult. If the Natal Indians got decent treatment in Natal, few of them, probably, would desire to leave the Province. On the question of voting rights, it is clear that sooner or later the better class of Indians must be given some voice in laws which affect themselves, consistently with the retention of the country's government in the hands of the white population. The form of their representation is an arguable matter. Mr. Gokhale will, however, help his mission if he is prepared not to raise the question, but to concentrate on the necessity of decent treatment of the domiciled Indians, particularly the removal of unjust trading restrictions.—*Pretoria News*, November 14.

MR. GOKHALE'S MISSION.

Mr. Gokhale's tour through South Africa concluded last night at the Town Hall with a speech at once diplomatic, lucid, logical and forceful. There was not a word in it to which any right-thinking person could raise objection. The conclusions which he has come to, if we understand him rightly, are these. The British Indians in South Africa having accepted the principle that there must be no further migration into South Africa from India—excepting as regards a few professional men to serve the needs of the existing Indian community—and having waived all question of the political franchise, the Government should now remit the £3 capitation tax in Natal and should facilitate the granting to the Indians of free and fair trading rights. The Government, it appears, have accepted the appeal for the remission of the tax, so that at least has been gained by the tour. On the question of trading rights Mr. Gokhale and the Ministers who interviewed him joined issue, and the matter is one which the Indian community will in all probability still have to fight over. The position, however, is better even in regard to this issue inasmuch as all fear of being swamped by an invading hoard of Indians has been removed from the European mind as well as the fear that the political franchise would be demanded. Under these circumstances the most ingrained prejudice—so particularly strong amongst the lower class of white merchants and traders—must yield first of all to the appeal to justice and secondly to the exigencies of the Imperial situation. As far as justice is concerned, Mr. Gokhale's words were eloquent, and there can be no question but that it is grossly unjust and un-English in this, a British colony, free under the Union Jack, to deliberately impose upon British subjects certain trading disabilities for no other reason than because they are coloured or because they are Asiatics or because they are virtuous and frugal, preferring the thrifty simple life to the self-indulgent extravagancies by means of which we Europeans habitually gratify our entirely different tastes. Why should we grant to the foreigner, to the cosmopolitan immigrant, who has no claim whatever upon us, who is of no more use to the community than the British Indian, privileges which we deny our fellow subjects? The British Indian is law-abiding, the foreign immigrant very often is not. It is the cosmopolitan population of Johannesburg that provides professors for the University of crime which we are told has been established there. The only complaint we have against the British Indian is that his standard of living is inexpensive. We fear him because of his virtues. The trading community looks upon him as a company of cheerful and consistent users of alcohol might regard the one or two teetotalers in their midst whose very attitude seems a rebuke. The Indian's devotion to hard work, his desire to trade during long hours, his self-containedness, all irritate and annoy, and, above all, his ability to compete with his European rivals is in their eyes an unforgivable sin. This is the feeling which we hope in due course will be overcome. It has already ceased to exist in the minds of the better class of merchant. The lower one goes down the scale of culture and humanity among the white people of South Africa the more bitter and violent the anti-colour and the anti-Asiatic feeling is found. But even this is passing. The country as a whole is beginning to realise that the charge of tyranny and injustice cannot be endured merely in order that a small, and not the best, section of the trading community shall be relieved from certain inconvenient competition, especially when it is remembered that competition is good for the consumer, since it prevents the undue inflation of prices. There can be no doubt, therefore, that Mr. Gokhale leaves the prospects of the British Indians very much brighter than they were. The present Government, of course, cares nothing what may happen in, or to, India, but it cares a great deal for the expressed opinion of the Imperial Cabinet, especially while the Imperial Government is of the Liberal Party. The pressure of India, therefore, upon this country is vicariously imposed from Downing Street, and the Secretary of State for the Colonies has a great deal more to say about the administration, even of the self-governing Dominions, than most of their Governments would care to admit.—*Pretoria News*, November 15.

GOKHALE.

(By V S)

"I am too much of an European," said a well-known Hollander during the process of a discussion upon Mr. Gokhale's mission, "to have any feeling of prejudice against a man like Gokhale on account of his colour or for that matter against his compatriots."

Exactly. Speaking last night Mr. Gokhale touched a little humorously, if a little sadly, upon the extraordinary colour prejudice that exists in South Africa. He found it shocking and amazing. He could not understand it. He said. "Of course I have only met before Europeans in

Europe and in India. I did not know the Europeans of South Africa, but this prejudice exists and we must deal with it. Life does not consist of writing upon a clean slate. We can only try to amend the writing we find upon the slate already." Here Mr. Gokhale's Oriental philosophy came to his aid and prevented him bubbling over with angry and righteous indignation. Facts are facts and nothing is gained by losing one's temper.

I couldn't help making comparisons last night as I sat and watched the scene at the reception. Poor Mr. Findlay, who a little while ago told us that "It wasn't in the blood" to grant any concessions to the Asiatic. Halting and hypocritical, he spoke of the town's illustrious guest and made him welcome, expressing a hope that his mission might be fruitful for good. Halting in his speech because the words nearly choked him, hypocritical because his colour prejudice is admittedly, on his own words, of the strongest, and although it was in his mouth to be courteous to this man who came to South Africa for the sole purpose of righting the wrongs which Mr. Findlay had helped to impose upon his countrymen, yet "it wasn't in the blood" Mr. Findlay was as out of place in the gathering as—well, we will introduce no ancient nor even veld similes—but the hand of the Government was heavy upon Mr. Findlay and the hand of Downing Street was heavy upon the Government. Following upon the Deputy Mayor spoke the guest of the evening. His English was well chosen, he commands a wide vocabulary. His grammar and construction were without a fault, he might have been reported verbatim and his speech would have read well. That can be said of very few speakers in this or any other country.

It struck me as the quiet speech of a man who has cleared the ground for a final struggle.

Let us take Mr. Gokhale as an Ambassador from India. He has done a little "bluffing" perhaps. There have been veiled threats. Ambassadors are accustomed to use veiled threats, to say very often a little more than they mean, to finesse, but at last there comes a moment when the resources of diplomacy are exhausted, when Ambassador and Government join issue and nothing more is to be gained by talking.

At this point Mr. Gokhale has arrived. He has conceded two great principles, restriction of immigration and acceptance of political franchise. The Government intend to concede the capitation tax in Natal. There remains the question of trading rights. Here issues join, and very quietly Mr. Gokhale assured the Indians that in their fight for justice they would have "all India, all the Empire, all the civilised world behind them." His eyes were shrouded in spectacles. His expression is not mobile, his face hides his thoughts, but there was no mistaking the earnestness of the man.

The Government have not heard the last of Mr. Gokhale.

Let us suppose the Imperial authorities are forced to choose between coercing the Government of South Africa, with its tiny Defence Force and its white population of a million and a quarter, or coercing India with its three hundred million population and its thirty million fighting men. Which would it choose? Let us hope no such situation will arise, but if it is not to arise, justice must be done to the British Indian legally domiciled in this country. This is what might be read between the lines of Mr. Gokhale's speech.

Privately he is a man of extreme, rather overwhelming courtesy, a quick thinker, slow speaker, a strict vegetarian, a Hindoo of the highest caste. A man whose word is of more importance in India than that of a round dozen of Rajahs and native potentates. A linguist, a catholic reader, a historian, quick with modern and ancient instances.

Mr. Gandhi is an enthusiast full of fire, a man who would die for a sentiment, who would starve for the sake of an idea, a man to whom compromise is abhorrent where principles are concerned.

Mr. Gokhale is a practical politician. He realises, as he says, that the slate of life is not clean, that one must deal with what is and what has been. Mr. Gandhi would sponge out and write afresh.

I sat and watched last night and analysed? There was the Minister of Railways and Harbours upon Mr. Gokhale's right, looking more consciously superior and super-virtuous than ever. There was the Minister of Agriculture impatiently declining the offer of sweet lemonade from an over-enthusiastic attendant eagerly engrossed in argument with the "illustrious visitor." There was Mrs. Sauer, looking very interested and charming. There was friend Chamney, a little nervous and anxious to get the visit over without unpleasant incident, particularly anxious to prevent me trying to take Mr. Gokhale riding in the tram. There was the Deputy Mayor, as I have said, vastly uncomfortable and white, even though the black be not as black as he is painted, a ripe scholar and a member of the Council of Five, which governs three hundred million British subjects.

There was Mr. Gandhi, who eats one meal a day, wears sandals and lives not the simple but the ascetic life, and there was the Chairman of the Indian community in Pretoria in his fez, looking comfortable and well nourished, no asceticism for him. It was a curious group at the top table. With its intermixture of European and Asiatic, but they only intermingled at the top, down in the body of the hall our hosts sat upon one side of the room while we Europeans, though we ate and drank at their expense, haughtily held ourselves aloof on the other side. I laughed. The humbug of the whole thing amused me. As soon as Mr. Gokhale has gone and the pressure from Downing Street relaxes, the anti-Asiatics will ill-treat and harass the Indians exactly as they did before, unless—well, unless—*Pretoria News*, November 15.

INDIAN GRIEVANCES.

The visit of Mr. Gokhale, the Indian member of the Indian Viceroy's Council, has come to an end so far as his collection of information is concerned. To-day he lunches with Lord Gladstone, and yesterday he called upon members of the Government, including General Botha. At these interviews he gave his views upon the question of the grievances of his fellow-subjects in South Africa. Before this appears in print he will probably have made a public statement concerning these interviews, but the exigencies of newspaper production require that this should be written before that public statement is made. According to a statement he made in Durban a day or two ago, the grievances are chiefly three. There is first the operation of the Immigration Law in subjecting returning Indians, who may have visited India, to great trouble. Small discrepancies in the statements of these men were disputed by the officials, and injustice sometimes followed. This, of course, is a small matter, and would hardly justify Mr. Gokhale's visit. Another grievance is the £3 tax. In Natal 20,000 persons were liable to pay this tax, which Mr. Gokhale strongly condemns. We do not know whether there are any grounds for complaints on this score. If India is agitated over this tax it can be reduced. There is no great cause to make a fuss about £60,000 a year, and if the Indians contribute their fair share to the revenue in other ways, a case for the reduction of the tax is made out. The question of trade licences is recognised by Mr. Gokhale as troublesome. The policy in Natal, he said, was to extinguish these licences, and great difficulties were placed in the way of transferring the licences. His main point is that a man should be entitled to transfer his store to another Indian. It is a claim which the average South African will dispute. If Indians are allowed to sell their stores the number of Indian traders will remain practically constant, and years will pass before the competition which is complained of will cease. There is some injustice in prohibiting the transfer of a store, as its value is impaired by such a prohibition, but we think the difficulty can be got over by compensating the traders for the "goodwill." Such compensation could come from a fund administered by the Government and raised by a small additional licence tax on European traders. The number of persons transferring stores would be small, and the tax would be readily paid by European traders who would be glad to get rid of Indian cheap stores. The country generally endorses the view that cheap trading on low living standards is a menace to the white man, and if it is necessary to pay the small amount required to compensate for the goodwill of such stores as are sold during any year, few persons will object. There should be no difficulty in settling Mr. Gokhale's grievances.—*Transvaal Chronicle*, November 15.

INDIAN STATESMEN AND SOUTH AFRICA.

Mr. Gokhale's visit to South Africa has brought him into direct touch with the problem which South Africans have to face, and we hope he will take back to India with him a better understanding of the situation in this country. He will, we hope, understand the fact that South Africa cannot afford to complicate the task of dealing with different nationalities still further, and that not only the good government but the continued existence of the country demands from us protective measures. We cannot afford to have the white population of the country reduced by bringing in an Asiatic race which drives white men from many occupations and retards the growth of the white population. It is, of course, nonsense to speak of South Africa ever becoming a white man's country, since for all time it will be the home of millions of natives, but if the country is to advance along the lines of European civilisation we must take all necessary precautions to prevent the virtual exclusion of white men from the means of earning a livelihood in this country. If Mr. Gokhale has himself grasped that fact and if he is able to convey to the people of India a better understanding of the situation in South Africa his visit will be productive of good.

South Africa owes the introduction of the Indian to the exigencies of the people of Natal who first brought Indian labourers for their fields. The convenience of a supply of trained and cheap labour proved too great a temptation for Natal, and without thought of consequences large numbers of Indians were brought over not only for field work but for domestic service, and no restriction was placed for many years upon Indian immigration. The thing grew to a head before the Natal people began to realise the situation which had been brought about, and then tardy steps were taken to save the white population of Natal from virtual extinction. The intention in Natal, however, was only to obtain labour, and had the importation been limited to field workers there would perhaps have been little trouble. For that class of Indian there will always be work and the country can absorb those now in South Africa. But it is not with that class that Mr. Gokhale is specially concerned; he speaks of trading rights, of the immigration restrictions, and of the taxes imposed on Indians in Natal. It is, therefore, with respect to the Indians now resident in South Africa who are not engaged in agricultural labour that Mr. Gokhale is mainly interested.

And he does not offer any solution of our problem, and we fear that he does not appreciate the depth of the feeling among South Africans on this subject. What the South African sees is that in certain departments of life white men and their families have been driven from their occupation by Indian and Chinese competition. The trading class of Asia has come in and driven many white families out. The small white shopkeeper, who in the past supported a family and constituted a valuable asset to the European population, is going under. The Asiatic has different standards of life. He can live more cheaply and can afford to undersell his white competitor who felt himself bound to live up to European standards and to clothe and educate his children to take their place in the ranks of the Europeans of South Africa. It is of course agreed that the community derives advantage from this free competition, and that the man who can sell most cheaply should have a free field. But that is not the South African view. The South African sees with dismay the disappearance of an important class of European, a class that bore its fair share of the burdens of citizenship and which was an important factor on the side of European civilisation in South Africa, and he is determined to take steps to prevent it.

It is no use shutting one's eyes to the fact that this feeling exists in South Africa, and that it is deeply rooted, and in our opinion there is no doubt that the trend of legislation in the near future will be in the direction of limiting the issue of trading licences to others than Europeans throughout the whole Union. It was intended that existing legislation should have this effect, and if it has failed heretofore then efforts will be made to remedy that failure. If Mr. Gokhale has not gauged that feeling during his sojourn in the country then he has failed to grasp an important fact and one that must remain at the front for some years to come in South Africa. From a debating point of view, no doubt, there is much to be said against public feeling on this point, but we are stating what we believe to be the fact when we say that there is a determination in the minds of South Africans not to permit Asiatics, whether Indians or Chinese, to usurp the functions of Europeans either in the department of trade or in the department of skilled labour. It is not possible to shut one's eyes to that fact, and both Indians and Chinese will do well to prepare for further alterations of the law in the direction we have indicated. In the Cape Province the feeling is not so strong perhaps as in the Northern provinces, but if the opinion of the majority of the members of the Union Parliament were allowed to prevail not a single trading licence would be issued to any Asiatic in South Africa, and where so strong an opinion is held it is not long usually before it is given effect to.

It may be said that this is unfair to the Indian and Chinese trader, and, as we have admitted, there is much in the argument from that side, but these men will be wise to take facts as they are, and to make their account with them. Anyone who has been present in Parliament during a discussion on this subject cannot have failed to realise the strength of the feeling, and cannot but admit that this feeling must find expression in legislation. It will be a pity if Mr. Gokhale has not realised that fact, and we hope it is being realised by Indian and Chinese traders in South Africa itself. These men will be wise not to wait until misfortune overtakes them, but to make provision by finding some occupation which is not likely to be interfered with. In Rhodesia some of them have taken to market gardening and have done well in the work. Some have done the same in other parts of South Africa, and if the men who are now living by trading will take up land in small plots they are not likely to be interfered with by any legislation. They can render good service to the community by producing vegetables, fruit, and market produce and they will find the work profitable. They will be wise

if they take to it, for they may depend upon it that the warning we have given with regard to their trading licences is no idle one, and they will be foolish if they ignore it. It should not be impossible for statesmen in India to realise and appreciate the South African point of view. The white man in South Africa is responsible for maintaining European civilisation and for maintaining it among four or five times his number of natives, and he cannot afford to allow the growth of the white population to be retarded by economic causes capable of control. That is almost an instinct with the white people of the community, and it cannot be ignored.—*The Eastern Province Herald*, November 16

SILBURN AND GOKHALE.

A most extraordinary feature of the South African tour of the Hon. G. K. Gokhale is the fact that until he reached Durban on Monday last he had apparently, if one is to judge by the speeches reported up to now, not heard the real voice of the British people in South Africa. When we say British we do not mean merely the section hailing from overseas, but every white man in this sub-continent owning allegiance to the British flag, for on this question, if on no other, well-nigh the whole of the white population of South Africa are in unison. What he has heard has been the voice of an insignificant but noisy minority whose spokesmen are Messrs. William Hosken and J. J. Duke. These gentlemen, and their friends, by their utterances, and other prominent South Africans, by their silence and apparent acquiescence in the sentiments voiced by white men at the various functions in connection with the visit, have given Mr. Gokhale an opportunity to indulge in speeches and very thinly veiled threats of Home Government interference in South African Affairs which would never have been afforded him had the actual position been made clear to him at the outset. We do not believe for a moment that Mr. Gokhale is under any delusion as to the real feeling of the overwhelming majority of the South African people on the Indian question. He is far too clever for that. The trouble is that he has been led to believe from the attitude of the white people with whom he has come in contact that they are rather ashamed of the share they have had in protecting the interests of the white in South Africa against those of the Indian, British or otherwise. Fortunately, however, one public man has had the courage to say what pretty well all the rest of white South Africa is thinking, and he has said it with no uncertain voice. Speaking at Durban on Monday evening last, Major Silburn, whose public record places him above any accusation of narrowness or lack of Imperialism, said: This Empire of ours, won by our forefathers and handed down to us as a heritage, was not won by trucking and it cannot be kept by trucking. If there is one part of the British Empire more than another which you are responsible for and must view with pride it is British India. That country was won by the sword and it must be retained by that influence which can only be guaranteed by the sword. It was such thoughts as these that passed through my mind as I listened with pleasure to one of India's greatest statesmen in the Town Hall. I wondered whether he and the large and influential gathering of his countrymen who listened to him, realised that the very talents he was then delighting us with were obtained under the protection of the British sword. What would have been the position of these people to-day had Clive failed or had the mutiny succeeded? I, as a member of the governing race, listened with pride to that gentleman, a distinguished member of the subject race, and I realised where our success as Empire builders and rulers lay. It lies in the unwearied and absolute justice of our rule, and it is here that I as a representative of that governing race strongly resent any aspersion cast upon us as to the injustice shown by us to the subject races of this country. The 150,000 Indians in South Africa are more fairly and far better treated than they were or would be in their own caste-ridden country. If that were not so, there would be no anxiety on their part to remain here. I also take the strongest objection to the use of veiled threats as to what India will do if the 150,000 Indians in this country do not get imaginary rights. This question of the rights of a subject race must be treated as a non-party question, and it is to be hoped that every Britisher and every Boer in this country will support the Union Government in its delicate negotiations with the Imperial Government. These sentiments should have been voiced some weeks ago when Mr. Gokhale's series of flamboyant and almost defiant speeches were initiated. It would not then perhaps have been necessary to use the blunt, soldier-like language which Major Silburn thought necessary to employ. It is as well, however, that Major Silburn has spoken in terms which are unmistakeable. The people of South Africa are as closely attached and as keenly devoted to the British Empire as are the people of Great Britain or those of any

of the Colonies, but after all, preservation is the first law of nature, and if we were to accept the position that in South Africa equal rights must be given to all peoples hailing from any corner of the globe coloured red on the map, we should have broken that law and rendered our career short indeed. We do not deny the splendid abilities of Mr. Gokhale and many of his fellows, but we do say of the Indian races as a whole that their civilisation, more ancient though it may be, is not as our civilisation; their standard of living is not as ours. A white trader cannot compete successfully with a brown one, a white mechanic cannot compete with a brown one, and if it is possible, white South Africa is determined that the existing necessity to do so in certain parts of the Union shall be swept away. Thanks to blundering statesmanship in the past we have 150,000 Indians in South Africa to-day but, as we have said, all party and almost all provincial barriers disappear when this question is considered, and the white race stands in a solid phalanx behind the Union Government in its efforts to deal with the problem, not with injustice to the British Indian, but with the definite object of preserving the paramount position of the white race, a position Mr. Gokhale and his friends object to and which they are endeavouring to assail.—*The Benoni Advertiser*, November 16.

QUEERING THE PITCH.

The reception of the Hon. Mr. Gokhale, the distinguished Indian who has come to South Africa to study *in loco* the Indian question, has been such as to afford gratification to himself and his compatriots. Europeans as well as Asiatics have shown that they appreciate not only the character of the envoy, but the importance of his mission. The Government have shown Mr. Gokhale every possible courtesy, and indeed he has himself admitted that he has been treated with a consideration which has surprised him.

Every patriotic South African will fervently hope that an amicable adjustment of this difficulty will be arrived at, one which, without exposing us to the danger of the unrestricted influx of Asiatics—to which the whole country would rightly object—will at the same time be acceptable to the Indian Government and people. We should imagine that no possible interest could be served by the perpetuation of this long-standing trouble, which has not only demanded the expenditure of much time and pains from our Ministers, but has also affected our civic and commercial life. It is, therefore, the more regrettable to see in certain quarters a disposition to prejudice the whole issue, to render Mr. Gokhale's mission nugatory, and to make the task of the Government difficult, if not impossible. This tendency is to be seen in several articles recently published by the Hollander-Afrikaner Press and its confreres. The Bloemfontein *Friend* has been especially active in this direction, and is doing its utmost to stir up feeling against anything like a recognition, however moderate, of the claims put forward by Mr. Gokhale on behalf of his compatriots. It is scarcely necessary to say that these organs are also particularly averse from any recognition of the Imperial factor in this problem; indeed, the very fact that there is an Imperial factor seem to have increased their aversion to a settlement. The *Friend* openly declares that it "refuses absolutely to allow this question of the Indian or Imperial factor to enter into consideration." In the face of such an attitude, argument is, of course, futile. "Against stupidity even the gods fight in vain." But more reasonable persons, those who do not childishly shut their eyes to facts, and who are sensible enough to admit that there is more than one side to the question, will appreciate the extreme delicacy of the situation and the necessity for taking into account the fact that South Africa is not the only country concerned. We have nothing to say against the principle of giving priority to the interests of our own country, but it is a very different thing from refusing to recognise that any other country has any interests at all. Nothing could be more utterly foolish than to deal with this question as if there were not, and never could be, anybody to be considered but ourselves. We are rightly determined that our own country shall not be orientalised; but we can achieve that aim without wilfully and perversely ignoring features in the problem which, after all, constitute some of its most material elements.

We must confess that we regard it as a most unpatriotic and mischief-making policy to endeavour to force

the Government's hand at this juncture, We can sympathise with the position of the Free Staters, but we must at the same time remind them that not only is the Free State a portion of the Union of South Africa, but the Union is itself a portion of the still greater British Empire and to say that the interests of the rest of the Empire are a matter of complete indifference is, to put it baldly, pure folly and "cussedness." In this question it is the Imperial connection which is aimed at. To some of our fellow-subjects in South Africa the very mention of the Imperial connection is sufficient to damn any project of any policy. From the tone of their utterances it is doing them no injustice to say that anything which would discredit that connection in any way would be welcomed. Such remarks constitute a deliberate incitement to trouble, but we hope that our contemporary's friendly intentions will be frustrated, and that the Union Government, and the two other Governments interested, namely, the Imperial and Indian Governments, will see the wisdom of a sound and workable compromise, which will settle, at any rate for a long period, this cause of anxiety. No doubt it would afford the *Friend* and some of its Afrikander-Hollander contemporaries infinite satisfaction to see a quarrel between the Union and Imperial Governments on this question, and we can well imagine what capital would be made of it. Fortunately, however, there are signs that less reckless counsels will prevail, and that the Government will not needlessly court trouble for the *beaux yeux* of the *Friend* and its confreres.—*Natal Witness*, November 16.

Trading Licences.

The Ladysmith Chamber of Commerce, in opposing the introduction of Mr Goga's son as a partner into his business, has openly avowed its intention of driving Indian traders out of the country. The Licensing Officer refused to grant the transfer of the licence from M. A. Goga to Goga and Son for trifling reasons which, at present, we need not go into. What we are gravely concerned about is that a body representing only the European traders of the town should not consider at beneath its dignity to deliberately attempt to force a fellow-tradesman to close down his business, not by means of ordinary competition and the application of efficient organisation, but by appealing to the racial prejudice of the members of a public Board which is supposed to protect the interests of all. We happen to know that Mr. Goga does a large trade with Europeans in a humble position who have to consider every shilling before they spend it. Have these people been consulted? We maintain that they, and not the European traders, who constitute the Chamber of Commerce, have the right to say whether Mr. Goga should trade or not. It is a piece of sheer impertinence for the Chamber to assume that it represents the whole European community. It is the people who buy, and not those who sell, who have the first right to be considered in these matters.

When Mr. Gokhale placed this side of the question to his European hearers at the Town Hall the other evening, the latter seemed not to appreciate the position. And the main reason was that the people really concerned were not present. We venture to say that, if the opinion of the European customers of Indian traders were obtained, it would not coincide with that of the Chamber of Commerce.

The question of Mr Goga's right to introduce his son into the business and so continue it is an important one, and one which must be settled in a way satisfactory to old-established Indian traders. But for the time being we have contented ourselves by merely touching the position as it affects European buyers of small means, who is never consulted and whose point of view is entirely ignored.—*Indian Opinion*, November 16.

FROM THE DUTCH PRESS.

Points for Mr. Gokhale.

Discussing Mr. Gokhale's visit, "Het Westen" welcomes him as a highly cultured man of sound understanding and of great influence in his own country, who can do a great deal of good if he so desires. "Will Mr. Gokhale take the trouble to enquire into both sides of the question?" asks the paper. "We have," it continues, "no doubt that he will. He will have interviews with Union Ministers, and it is to be hoped that they will take the opportunity of putting our side of the case to him and of pointing out to him that what we need here is not the sort of person who usually comes from India. We have enough shopkeepers and hawkers already, especially

of the undesirable classes . . . But the chief thing for Ministers to impress upon him is that we are firmly determined to govern our country as we think best, and that no interference from outside will be tolerated. It is time for our Ministers to attack the question fearlessly. There need be no fear. The Imperial Government will certainly think twice before forcing the 'coolies' on us, and without the consent of the Imperial Government, the Government of India can do nothing. The real solution, however, lies not with the authorities, but with the public itself. If the people were united in saying, 'We will not deal with "coolies,"' there would no longer be a 'coolie' question. That we still have to contend with such a question is due to the fact that we have so many poltroons among us who deal with 'coolies' because they can buy for a penny less or sell for a penny more with them. They think of the immediate gain, but lose sight of the incalculable harm they are doing their children. It is almost criminal."

The Implacable Indian

"Give the Indian a finger, and he takes the whole hand." bitterly complains the "Vriend des Volks," returning to a consideration of the Asiatic question after reading the "Transvaal Leader" interview with Mr Gokhale and Mr. Gandhi. "Mr Gokhale," says the Free State paper, "is busy in Johannesburg laying down conditions. If, he declares, the Indians in South Africa must receive the liberty they desire. What is that liberty? For an answer to this question one must go to Mr. Gandhi. He claims citizen equality for his countrymen in South Africa. That is to say, their movement within the Union must not be hampered, and they must be free to carry on trade wherever they like, thus even in the Free State. In the Immigration Bill submitted last session to Parliament a limited number of educated Indians was to be admitted annually to the Union. They were to be allowed to come to the Free State, too, but were not to carry on trade or own land in this Province. One would have thought there would be gratitude at the securing of such a concession. But it is not good enough. 'Sooner or later,' remarks Mr. Gandhi, 'the Free State barriers must disappear, or the Union will be reduced to a farce.' Is it not plain now that the leaders of the Indian population will be satisfied with nothing less than complete equality with whites? The law allowing them to come into the Free State under certain conditions is not so much as passed, but that does not prevent them from coming forward with new demands. At present equality is asked for those Indians already here. If that is granted, they will want to open the door to the rest. We trust that the Government will stand firm and make no further concession. If the population of India is to be allowed to stream freely into the Union, all is over with the ideal of a white South Africa."—*Transvaal Leader*.

THE "VOLKSTEM" SPEAKS OUT.

The "Volkstem," having waited until the arrival of Mr Gokhale in Pretoria to express its views on his mission, now takes the opportunity of cautioning him not to take seriously the opinions of "faddists" like Mr William Hosken and the Rev. Mr. Döke, who, the paper points out, represent not merely no important section of the white people of South Africa, but no section at all worth mentioning. "People here regard them as more or less harmless," explains the paper, "and laugh at their extravagant language. But should foreigners of serious mind like Mr. Gokhale accept this language in a serious sense, their mistake will very soon be made clear to them in a not very agreeable manner. . . . The white inhabitants of South Africa are not to-day considering the Asiatic question for the first time; they have long since agreed, with uncommon unanimity, upon a policy which will tolerate no further immigration of Indians, be they British, Dutch, or French, and nothing will be achieved by wasting further words in discussing the point. If the Asiatics already here have grievances—and we understand that they have some objection to the finger-print method of registration—these grievances will without doubt be considered by the authorities of this country, however ridiculous they may seem. But this will happen, not because of the intervention of Mr. Gopal Gokhale, but solely because these grievances are thought worthy of consideration by our statesmen. The grievances of the resident Indians, where they are really oppressive, may be remedied; but the white inhabitants of the country will not permit any more Indians to be imported into South Africa under any circumstances whatever. It is much more probable that we shall take into consideration some scheme for the gradual repatriation—without compulsion or other unfairness—of those already here. The justification of such a policy is overwhelming in the interests of the white people of the Union, and needs no elaboration. We gladly acknowledge the, on the whole, moderate tone adopted by Mr. Gokhale in his public speeches, but, to our mind, he talks too much of 'Imperial intervention'—far more than is desirable or will be acceptable to most people in South Africa. . . . The Imperial Government was consulted at every point in whatever has been done by our Government in this matter, and whatever has been done has met with its approval. . . . And the Imperial Government does not dream of forcing on South Africa a line

of action which the population can view only with the utmost repugnance. It would be much more sensible if the Viceroy's Council devoted itself to producing a more satisfactory state of affairs in India itself, or to an attempt to improve the lot of India's millions of pariahs, who have been kept for centuries in a condition of utter barbarianism by means of caste pressure. This state of affairs is hardly becoming to a country desirous of assisting other countries in the treatment of their inhabitants"—*Transvaal Leader*

FREE STATE MESSAGE TO MR. GOKHALE.

"De Vriend des Volks," speaking for the Free State, from which Asiatics are rigidly excluded, and which has thus no concern in Mr. Gokhale's mission, except in so far as he may hope to break down the barriers it has erected, counsels the Indian statesman not to take it for granted that the utterances of Mr. W. P. Schreiner, in Capetown, Mr. Oats, in Kimberley, and Mr. Patrick Duncan and Mr. William Hosken, in Johannesburg, represent European feeling in South Africa on the Asiatic question. The paper fears that Mr. Gokhale is not taking in the right spirit the courtesy everywhere being extended to him, and charges the speakers named with having directly encouraged him to prejudice the situation and to make use of threatening language regarding the South African influence on India's connection with the Empire. The "Vriend des Volks" takes exception, more particularly to these words, used by Mr. Gokhale at the European reception at the Carlton Hotel: "We have made representations to the Imperial Government, and we have been told that South Africa is a country enjoying self-government. That the people of India cannot understand and with that they will not be satisfied." "Is this," demands the paper, "the attitude of a man who has come on a mission of calm and impartial investigation? And is South Africa to learn from India how best to govern itself? It is easy for England to make promises of equality. There is no danger of the British Isles being overwhelmed by an influx of Indians. In Australia, Canada, and South Africa things are different. Here we have a difficult native question to solve. We have no desire to be discourteous, but we are bound to draw attention to the fact that South Africa does enjoy self-government, whether the people of India can understand it or not; and to the further point, that our Government cannot afford to make the colour question more involved than it already is. Not only must no more Indians be allowed to come in—the door has long since been closed in Canada—but, if possible, all those already here should be repatriated on fair terms. We hope and trust, in any event, that the Government will make the Hon. Mr. Gokhale no promises which it may later regret. If the people of India are so attached to the Imperial connection as is stated on their behalf—and we do not doubt it—they will be able to see the reasonableness of the South African standpoint.—*Transvaal Leader*

ASIATIC QUESTION AGAIN.

Mr. Gokhale's Mission.

Letter and Comment in the "Volkstem."

("Transvaal Leader, October 23, 1912")

Advocate Ralph H. Tatham, in a letter to the "Volkstem" to-day, in reference to the arrival of Mr. Gokhale, one of the leading Indians of the day, in South Africa, reminds the people of South Africa that on the maintenance of what is known as the "white ideal" depends the future of this country, and that Mr. Gokhale comes to South Africa with the avowed object of interfering with that ideal. The writer says—

"On the night before he left London, speaking at a banquet given in his honour, Mr. Gokhale is reported to have said: 'The position daily was becoming more anxious, but he believed that when the state of feeling in India was known to South African statesmen they would realise that a solution was essential for the good of the Empire.'"

Mr. Tatham continues: "The state of feeling in India may be very interesting to people in London and in India, but the state of feeling in South Africa is ever so much more important to us here, and that is most distinctly opposed to any relaxation whatever in regard to the Asiatic laws of this country; and, indeed, public opinion in South Africa would to-day favour even stronger restrictions than at present exist."

Mr. Tatham adds that, speaking as an Englishman, he thinks the maintenance of the "white ideal" is more important than the maintenance of the Imperial connection. He quotes the following, taken from "Indian Opinion," on the conflict between the Asiatic and the European races: "It does not need remarkable foresight to see which in the

long run will win. . . . It would appear almost as if South Africa were, by virtue of its geographical position, destined to become the battlefield of the East and West. Time was when the northern end of the Continent was the stage of just such another life-and-death struggle. . . . To-morrow will be a fight for existence, and the East must always be consulted as to the complexion worn by the majority of South Africa's inhabitants."

The "Volkstem," commenting on the above communication, says that it is a public secret that Mr. Gokhale's visit was only taken for the purpose of obtaining for British Indians certain privileges which we intend denying to any Asiatics without distinction. The writer of the article reminds the reader of the passive resistance agitation against General Smuts's measures. Boer and Briton (says the "Volkstem") have taken up the definite position that our country affords no home for Asiatics, and that we may not aggravate the colour question by introducing Orientals. In the past all kinds of regrettable errors have been made, such as the importation of coolies into Natal, and the Chinese into the Transvaal, but we were on the way towards reaching an eminently satisfactory solution of the problem when on account of the threats from British India our politicians and statesmen considered themselves obliged to mark time. . . . We are going to keep the Oriental out of the country just as Canada has done, and our purpose still is eventually to remove him from South Africa.

THE ASIATIC QUESTION.

TO THE EDITOR "TRANSVAAL LEADER"

Mr. Tatham's pronouncement, as reported in your issue of this morning, is worth re-stating. "On the maintenance of what is known as the 'white ideal' depends the future of this country."

I recall that, at a certain public meeting in London, held some three or four years since, my friend Mr. Harold Cox, speaking against a white South Africa, urged that a white South Africa could only be constructed upon the rock foundation of "white ideals." To this proposition none will, I venture to think, take exception.

Passing over Mr. Tatham's somewhat contemptuous indifference to the opinions and sentiments of the people of Britain and India, Mr. Tatham's "white ideals" would appear to mean "a white South Africa at any price."

Speaking as a European by birth and upbringing, as one who believes that our Western civilisation, in spite of its many defects, is making for the ultimate advancement of the world's peoples, and as a Colonist of nearly twenty-five years' residence in South Africa I nevertheless submit that there is a price no conscientious people dare pay to establish a "white South Africa," and that what Mr. Tatham advances as "white ideals" will not pass as true currency with the great majority of white thinkers throughout the Empire, South Africa included.

Let us recall those "white ideals" upon which the Empire has attained to its present measure of importance: government in the interests of the governed, even-handed justice, equality of opportunity, magnanimity to the conquered, freedom of thought and opinion, religious toleration. These, in the main, are the factors to which all that is great in the Empire is due. I make no doubt that Mr. Tatham would jealously preserve them all in their application to the Europeans of South Africa, but apparently Justice need not be so nicely particular where mere Asiatics are concerned. And yet we have in South Africa probably 125,000 lawfully resident Asiatics, mostly British subjects (not to mention the millions of Bantu natives), to whom our ideals must be made applicable or else be abjured by us.

It will scarcely be challenged by anyone acquainted with the facts that the anti-Asiatic legislation of South Africa, more especially of this Province, is class legislation of an extremely virulent type, and calculated to squeeze our Indian fellow-subjects out of the country without regard to their vested interests and the equities generally. Yet Mr. Tatham speaks approvingly of "even stronger restrictions than at present exist." I have barely ventured to hint at the Imperial aspect of this important subject, an aspect which Mr. Tatham treats as a negligible quantity (Mr. Tatham's airy indifference to the severance of the Imperial connection can, of course, only be received in silence). It is sufficient in this regard, however, to observe that we cannot reasonably expect to enjoy the advantages of membership of the Empire and, at the same time, flout with impunity the rules incidental to our membership. India is an integral and an extremely important portion of the Empire, and it is unthinkable that South Africa can continue to treat such of her children as happen to be here as pariahs, lest the predominance of the whites should be overthrown. Helotage is notoriously fatal to the stability and growth of a people, and national self-preservation was never yet secured by injustice. If "white ideals" mean anything,

they mean white, i.e. clean, conduct, certainly not oppression prompted by selfish fear. Black characters in white bodies will hardly make for a "white South Africa" as some of us understand the term—I am, etc.

L. W. RITCH.

Johannesburg, October 24.

TO THE EDITOR "TRANSVAAL LEADER"

Sir,—As your readers are aware, our country is this week paying honour to one of India's leading magnates, Mr Gokhale, who is passing through from England on his return to India. Not only the Indian community, but our Municipalities and public bodies, are extending to him an enthusiastic welcome, and as one who occupies one of the highest positions in India, this is but right. Whilst, however, we pay honour to whom honour is due, do not let our enthusiasm blind us to the special object of his visit to this country. Twenty-four years ago the Free State laid down her policy as regards the admission of Asiatics into her territory, and the Transvaal would have adopted the same policy had she had her own way. Ever since the late war this has been the most burning question in the Transvaal. General Smuts has taken up a firm stand in the interests of the country, and it behoves us to do all in our power to strengthen his hands in this matter. United South Africa has decided that it is not going to be the dumping-ground for India. As an independent Dominion, she, along with British Columbia, Australia, and Canada, has the right to say who shall and who shall not be permitted to come into her domains, and the compromise lately effected should be strictly adhered to.

Natal has some 130,000 Asiatics, and yet with all this population she has difficulty in keeping her sugar and tea industries going. It was with the object of developing those that they were first introduced. Now the Natal papers and the members of Parliament for Natal are preaching and advocating the rights of Asiatics to move freely throughout the whole Union in order to relieve the situation here. I know it will be said that the type of Indian in the past has no connection with the educated Indian who now demands entrance. This we admit, but I ask Free State and Transvaal residents, which is the one you have to fear most? It simply amounts to this, if the door is thrown open to the Indian, the European Colonist can pack up his traps and go. What is the history of every Transvaal town, with the exception of Pretoria and Johannesburg? The gradual elimination of the European trader and storekeeper, whose place is now occupied by Indians.

Our respected Immigration Officer (Mr Cousins), who has the most uncongenial task of administering the Immigration Law at the port, has been and is the subject of the most virulent attacks by the Natal press in the discharge of his onerous duties. Anyone who has followed the course of events during the past ten years knows the amount of duplicity (not to use a stronger term) which is practised by applicants for entry into the Union, and the number of appeals to the Higher Court which have been decided in favour of this officer, and against the applicants, give evidence that he is the right man in the right place. If there is any relaxation of the present restrictions, if our Immigration Officer is not staunchly upheld by the Central Government (in spite of the attacks directed against him by the local press), we shall soon have the country overrun.

The Transvaal Indian Association and their London representatives have all along been working, and are still determined to leave no stone unturned, until this question is settled in their favour. Is Mr. Gokhale's visit going to result in this? Our present education test, to which so much exception has been taken, is absolutely necessary unless some other plan can be devised, and none has yet been suggested. If we substitute for this a merely formal test of writing a number of words in the English language, India can supply us easily with a quarter of a million candidates who can pass such a test. What does the Transvaal or the Free State say to such a proposition? Our Free State friends have been basely betrayed by joining the Union, and there is not the slightest doubt that they would never have consented to be a partner had they been confronted with the possibility of Asiatics being admitted within their borders. The country is crying out for a large European population. Big immigration schemes are advocated both by Nationalists and Unionists. It is a certainty that if our country is thrown open to a further Indian invasion, the steps that are now being taken will be of no avail, for Europeans will not be wanted.

Our Chambers of Commerce and Municipalities, who have fought so assiduously in the past over this question, should rouse themselves at the present juncture, and not permit their enthusiasm in welcoming Mr. Gokhale to carry them away from the tremendous issues at stake. Trusting that the ventilation of this question will lead to its serious consideration, and in the hope that our Government will be led to recede from their present position. I am, etc.

OLD COLONIST.

Durban, October 19.

THE HON. G. GOKHALE.

Mission and Facts.

Senator G. G. Munnik's Reminder.

TO THE EDITOR OF "THE STAR."

Sir,—I have read the report of the proceedings at a banquet given by the Indian Community at Kimberley to the Hon. G. Gokhale, and while one can freely admit that Mr Gokhale has ably advocated the interests of his compatriots, I trust that my fellow-Colonists will not be led away by Mr Gokhale's admitted charming personality or his outstanding eloquence, and persuasive powers, which have evidently captured the heart of even so astute a person as Mr Oats.

Having had the privilege to listen to every word of the speeches made by the representatives of the people in Parliament on this question, I can assure Mr Gokhale that the compromises made by the European community are the limits to which the people of South Africa will go. That this compromise is satisfactory is proved by the fact that all agitation has ceased from the moment of the acceptance thereof by the Indian community, who have settled down peacefully to their avocations under it. It seems a pity, therefore, to disturb the existing peace, and in my humble judgment no good can come from starting a fresh agitation, as not even the all-powerful Botha Ministry would dare to try the temper of Parliament by suggesting an alteration of the settlement of the question arrived at, which was carefully thought out at the time.

Mr Gokhale, in his admirable address at Kimberley, said "Speaking in a general way, the treatment of Indians throughout the Colonies was most unsatisfactory. Unless that treatment was remedied, on a basis of justice, there would be no contentment in India." Well, I would suggest to him that discontent does not necessarily spell a correct attitude towards a subject, and I would remind him that this is an autonomous Province of the British Empire, and while we would regret the absence of contentment in other portions of the Empire, we must as a first duty promote contentment among our own people, and the European community in South Africa must be allowed to decide how best to do this—I am, etc.

G G MUNNIK

Johannesburg, October 28

—Star, October 28.

THE HON. G. GOKHALE'S MISSION.

Senator Munnik's Attitude Commended.

TO THE EDITOR OF "THE STAR"

Sir,—It is indeed refreshing to find that one of our Senators, Mr. Munnik, has the courage to voice the opinion, which is that of all true Afrikaners, that the legislation and facilities afforded to Indians has reached its limits as regards having the country overrun by Asiatics.

The spectacle of respectable white people entertaining and crowding round a coloured person is disgusting, and the idea of allowing such an individual to travel round the country requires some explanation. The Hon. G. Gokhale may be of some repute among the black hordes of India, but he is out of his place entirely in this country, and the sooner he goes home the better.—I am, etc.

F MORKEL

The Kopjes, Parktown North, October 28

IMPERIAL ASPECT OF THE INDIAN QUESTION.

TO THE EDITOR OF "THE STAR."

Sir,—Mr F Morkel has again appeared in print, but his last letter is altogether different from his first, and he has got away entirely from his ungentlemanly, unsolicited, and unwise remarks in his letter of the 29th ult. It was relative to these offensive remarks that Mr. Morkel was brought to book and rightly so.

In answer to this letter in to-night's Star, I deny that Mr. Morkel's "views" are the "true ideas of all persons who are South African at heart." Loyal South Africans must be Imperial at heart also, and British subjects in both India and South Africa rank equally in Great Britain in their rights of liberty, and the treatment meted out to the Indians here some time back was just the same as if Mr. Morkel had gone to Calcutta or Bombay, had his finger prints taken, identification pass given, shadowed, and subjected to many other disabilities, and eventually driven to become a "passive resister."

What attitude would his party have taken up here? And would it not, after all, resolve itself into a question for the Imperial Government to settle? Decidedly, and in spite of *De Volkstem's* splutterings on the matter, which appears in your issue of the 4th inst.

I am absolutely in favour of stopping further Indian or Chinese immigration to South Africa, and Mr Gokhale is of the same opinion, so that Mr. Morkel is again "at sea" in jumping at conclusions, but what is expected from the Government is the proper treatment of those who are here, and that is the object of Mr Gokhale's visit, which is not an undisclosed one, as Mr. Morkel would have us believe, and that "his letter alone" has given the true facts. What a wonderful genius he must be to probe so deep and alone. This is the "backbone" of what he talks so much about, himself.

If pro-Asiatic means justice and freedom, then I am P A, but I have the British Government with me, and their intelligence and grasp of the subject is not weak. Mr Morkel need not concern himself about the Indian agitators and their white sympathisers, as they will support what is right and just; and instead of him upholding his opinion, already given, I strongly advise him to study the subject from the opposite point of view I have tried to describe—I am, etc.,

WILLIAM PILE

Turfontein, November 6.

THE GOKHALE MISSION.

By Way of Warning.

TO THE EDITOR OF "THE STAR"

SIR.—Your correspondent, Mr F. Morkel, in your issue of Wednesday last, passes a verdict of short-sightedness on all who cannot find soul-space within the narrow walls and noisome atmosphere of the utterly selfish creed which he entertains in respect to Asiatics.

However, even though I have not written on this subject before, I make bold to say that in the sight of all broad-minded men—of humanitarians and of true Empire citizens—his rash and bigoted judgment recoils on his own head. All questions of elementary justice to Asiatics apart for the nonce, Mr Morkel in his selfish isolation is manifestly far too shortsighted to see that in much less than a hundred years' time the East will be in a position to wrest from us the elementary rights of equal treatment for its own people in South Africa and elsewhere. When that day arrives the children of the "Fathers of Civilisation" and of the "Land of the Rising Sun" will cease to pray on their bended knees before the so-called "Christian" white men and Morkels of the period for permission to earn their daily bread in Africa or anywhere else they may choose on the face of God's earth. They will earn their bread as by right—divine anywhere they like on equal terms with our descendants. And why not? Is a white skin a sign of a cleaner heart or a keener intelligence or a greater godlikeness? Would it not be better from the point of view of our higher interests—even now—to keep on better terms with these Eastern people and to avoid exasperating them unduly by denying them the most elementary rights of civilised human beings?

Had British statesmanship been as shortsighted and bigoted as Mr. Morkel would have that of South Africa to be the British Empire would have tumbled down in wreck and ruin about our ears long ago, and your correspondent would have had no opportunity to be proud, as he evidently is, of his British citizenship. There is absolutely no question at the present moment of flooding this country with Asiatics as your correspondent erroneously imagines. What is urgently needed at the present time is to infuse some elements of rudimentary justice into our political dealings with those who are already within our gates.

"Let justice be done though the heavens fall," and let the kopjes resound with this fitting battlecry of all large-souled, long-visioned Sons of Empire.—I am, etc.,

D. JONES.

President Street, Nov. 8

28th October, 1912.

TO THE EDITOR OF "THE STAR."

SIR.—A word, with your permission, touching Senator Munnik's "reminder."

The "reminder" is, firstly, that a compromise has been reached, in view of which "all agitation has ceased from the moment of the acceptance "thereof by the Indian community." Secondly, that the terms of this compromise represent the extreme limit of Parliamentary concession to Indian demands. Thirdly, that this is an autonomous Province of the British Empire; and fourthly, that the prime duty of South Africa's statesmen is to promote con-

tentment "among our own people," however much our views and conduct may give offence in other portions of the Empire.

As to Point No. 1.

The "compromise" to which the Senator refers is evidently the arrangement entered into between General Smuts and the Indian Passive Resisters of the Transvaal, whereunder the latter agreed to suspend passive resistance to the Registration Law under the General's promise to repeal the Registration Law (Act 2 of 1907) and the present Transvaal Immigration Law (Act 15 of 1907). The compromise in question had nothing to do with "agitation for the removal of other grievances affecting lawfully resident Indians of this Province. The Indian and Chinese Passive Resisters have loyally suspended their "active passivity" in order to afford General Smuts a liberal measure of opportunity to fulfil his undertaking. The Asiatic is very patient and very trusting in his dealings with Europeans, so that in spite of some disappointment at the barrenness of last Session, the Indians and Chinese look hopefully forward to a happy issue in the forthcoming one. This brings me to

Point No. 2

As above indicated, the "compromise" had to do with the Immigration Law peculiar to this Province, coupled with the Registration Law of 1907. In regard to Asiatics these two statutes must be read together, seeing that they dove-tail. Passive resistance was adopted against them because they were regarded as (and undoubtedly constitute) a gross insult against the whole Indian people.

These two laws do not, however, exhaust the grievances of the Indians of South Africa. Indeed the two laws just referred to are resented more because they offend against Indian sentiment generally than because of the concrete disabilities they impose upon the Indians resident here. But there are local grievances which are extremely concrete and substantial. I venture to enumerate a few which may or may not be generally known. Law 3 of 1885, the Townships Amendment Act of 1908 and the Gold Law of 1908, under which the Indians, irrespective of class, may not have fixed property (outside of locations) registered in their names, are confined for purposes of residence to locations, and in almost every other respect are denied the privileges of free men that are extended to Europeans. The Registration Law of 1908 requires Indians lawfully resident in the Transvaal to carry passes after the manner of Kaffirs, and to produce them on demand to any constable. Then there is the question of education. At present Indian children must attend "Kaffir schools" or go without. Tramway accommodation (although many Indians are large rate-payers) is denied to them. At the General Post Office Indian merchants are placed in the same category as Kaffirs. In a word, the general treatment of those of our Indian fellow-subjects whose right to be here is no longer questioned, is that of pariahs. So far from being encouraged to develop the best that is in them, repression and discouragement face them at every turn. If they are stunted in development as we count it, have we the right to complain? If they inhabit the slums, is it not we who have driven them there?

Now the grievances indicated (they by no means exhaust the list) are, says Senator Munnik, to be perpetuated. In other words, the Indians may continue to reside in the Transvaal only as helots. If this be really so, then I am afraid that further agitation must be counted upon, both in South Africa and in India, supported by those Europeans who regard Senator Munnik's attitude as un-British and opposed to the best interests of the Empire.

Point 3.

Conceded that this is an autonomous province of the British Empire, are we under no obligation to modify our own views, our antipathies and predilections, our provincial interests even, so that they shall not conflict with the larger Imperial plan? Do we, can we, live for ourselves alone? This very autonomy of the Union of South Africa, is it not ours because of Britain's incomparable generosity? And is it a fair return to make Britain's task in India as difficult as it has become through our tactless disregard of Indian sentiment and our treatment of Indians? If the loyalty to the Empire of which one hears so much means anything more than lip service, let it be shown in self-restraint, patience and liberal statesmanship. The principle of restriction in regard to Indian immigration has been accepted; let the policy of helotage in regard to Indians domiciled here be abandoned.

As to Point 4.

I would suggest that statesmanship does not and should not merely follow the popular views and prejudices of the hour. The statesman is he who grapples with difficulties and overcomes them, not he who drifts with the stream of popular "opinion." Have justice and righteousness no place in statesmanship? Have the lowly and inarticulate children of the State no claim? The promotion of

contentment, yes! But contentment of the whole and not merely of a favoured section.

Mr. Munnik's phrase "our own people" seems to me to be somewhat unhappily chosen. Have we not had enough of racialism?

In conclusion, I would earnestly beg for a consideration of the matter under discussion in a higher and broader spirit than that of provincialism, and apologising for occupying so much of your valuable space.

I am, etc.,
L. W. RITCH.

Court Chambers,
Johannesburg

INDIAN COMPETITION

Free Stater's Experience.

TO THE EDITOR, "TIMES OF NATAL."

Sir,—Being on a visit to Maritzburg, and passing the Town Hall last night, I followed the multitude and went inside. I gather that the first objective of Messrs. Gokhale and Gandhi is to place all the Indians who are now within the borders of the Union on an absolutely equal footing with Europeans, and allow Natal Indians, for instance, to swoop down upon the Free State. Sir, I once had a store in Port Elizabeth, and I worked hard, but I had an Asiatic competitor close to me, who had no daughters to bring up decently, and at three years I had to shut up shop! I now have a business in the Free State, and, Sir, I may tell Mr. Gokhale that it is not merely self-interest of a few, but the feeling of ninety-nine per cent of the electors of the Free State that we shall never be invaded. It would be but the beginning of the end!—Yours, etc.,
J. B.

INDIAN INCREASE.

800 to 8,000

TO THE EDITOR, "TIMES OF NATAL."

Sir,—I was not surprised to hear Mr. Sanders declare that the Indian population of Maritzburg as about eight thousand, but his Worship might have gone further and added, by way of contrast, that thirty years ago the Indian population of this city was less than eight hundred! From eight hundred to eight thousand in a generation. The next time Mr. Gokhale comes here the reception will have to be on the Market Square or out at Scottsville. The Town Hall will be far too small!—Yours, etc.,

DON'T LIKE THE FIGURES!

Nov 9, 1912

AN EUROPEAN APPRECIATION.

TO THE EDITOR OF "THE NATAL MERCURY."

Sir,—As a person sympathetically interested in the welfare of the Indian community of this sub-continent, I have extreme pleasure in endorsing the hearty welcome which is being extended to the Hon. Mr. Gokhale, a most distinguished and influential Councillor of our great Indian Empire, one who has, by his conception of moral and political duty placed himself in the first rank of Indian statesmanship, with an illustrious past, and it is hoped a more brilliant future. It is only to be regretted that he did not visit the country years ago, but there is not the slightest doubt that by his present visit an intimate knowledge of conditions as operating in this country, peculiar in its intricacies regarding the colour question, will be acquired, which will enable him to be more fully able to represent to the Indian Government the position of our large Indian population, and by his consultation with the Ministers possibly result in the modification, if not removal, of some of the restrictions which act materially against that community, and generally secure recognition of the elementary rights to which as British subjects they are entitled, and at the same time impress upon that community a sense of duty sanctified by patriotism and guided by loyalty to the British Crown. It must not be forgotten that the British Constitution confers upon all races and people governed, controlled, and protected under that regime rights and privileges to all races, of whatever colour or descent, the potent factors of justice, freedom and equality, which rule emanates from the Ministers administering the reins of government in Great Britain;

and it is the maladministration of the present South African Government which acts detrimentally on all sections of the community, causing thereby discontent, and there is not the slightest doubt that in the near future this maladministration, by the acquirement of common-sense and removal of prejudice and sentiment, will be ended. The principles of justice, freedom, and equality should be extended to all subjects of the British Crown, wherever they may reside, and immediately a race, of whatever colour or descent, is admitted to that rule or to any country under that rule, by right of such admission they are entitled by the Constitution of the most favoured nation to the same rights and privileges enjoyed by Europeans, and no law should be enacted which would operate detrimentally against any section of people under that rule. We trust that the present visit will be the precursor of visits by other members of our neighbouring Dominions, so that the bond of sympathy may be fully realised and strengthened, and secure finally that unity of spirit and concord which makes for the proper recognition of equality in all men, so far as the rights and privileges of the country are concerned.

We owe a great debt of gratitude to the industry of the Indian population introduced under the system of Indian immigration, as by the aid of their labour the agricultural and manufacturing pursuits have been improved and practically established, and the sentimental views—overriding their sense of justice, fairness, and equality—exhibited by some (I may say very few) of the Europeans of this country is to be greatly deplored. We have people who are so blinded with prejudice that they are lost to reason, and their sense of justice and fair play is even obscured; and the visit of an Indian statesman of the high standing of the Hon. Mr. Gokhale, who has come to South Africa to consider the serious problems of the relationship between the European and Indian communities, will, it is hoped, do something to remove the many misconceptions, not only so far as the people of this country are concerned, but misconceptions which are bound to exist in India as regards the grievances of his compatriots in this country. It is practically certain that legislation will shortly be introduced abolishing the £3 licence, especially in so far as its application to women, and by a thorough examination and construction of the law it is, I think, admitted that it was never intended to apply to women, and the manner in which it has been applied cannot be justified, and can only be attributed or created by the abuse of some of the officials entrusted with the authority of emigration. The £3 Licence Act as indefensible and must be repealed. The administration of the immigration laws requires to be amended, as there should be no hardship on a person who, once having been admitted and resided in this country, desires to return after a visit to his motherland, and he should have every facility granted to him in order to prove his previous residence by appeal to the higher courts of the land, and the absolute discretion granted the immigration officers removed. The policy of segregation in the towns may be a satisfactory solution. It is a mistake, to my mind, to allow both communities, including the natives, to reside and carry on business amongst each other, and the segregation of both communities would, I feel sure, have the effect of terminating the trade jealousies and competition which at present exists.

In introducing legislation in regard to our coloured population, we must take as our basis the unassailable ground of civilisation, and not the rotten and indefensible ground of colour or sentiment. If the coloured man raises himself to the same level as a white man, he should be accorded the same rights and privileges. In this country, unfortunately, as I have mentioned, the prejudice that prevails against colour is often blind and unreasoning, and in many cases cannot be justified. We can foresee the time when the colour question in South Africa, in all its varying shades, will be the most important and difficult of all questions the statesmen of the country will have to deal with. It is the real racial question of the country. Beside it the Dutch and English race question is but a passing phase in the history of South Africa, whereas the future relations between black and white threaten to be of a most vital and important nature. Those who have followed the utterances of our distinguished visitor will have observed with great pleasure and interest the fair and open-minded manner in which he has approached the delicate and difficult questions affecting the two grades of civilisation growing up alongside each other. Contact with either must necessarily create serious difficulties, taking into consideration the problem of the feelings and sentiments of the European community, and being imbued with the broadminded *circumspection*, and as the result of investigations and observations, he will be able to place before the Ministers of this and his own Governments suggestions which will be of use to them, and tend towards the satisfactory solution of the difficulties which at present exist.

I feel convinced that the result of the Hon. Mr. Gokhale's visit to this country will tend largely to remove the real and legitimate grievances of the Indian community, and the inauguration of an era of better feeling between the different sections of the population, which, if not on a basis of actual equality, will be more in the direction of justice and equity than it has been in past, and have the result of uniting the different sections of the Indian community, which it is observed with regret are not bound with the cords of unanimity in their actions—I am, etc.,

W. T. CLARK.

A SUGGESTION FROM LYDENBURG.

TO THE EDITOR, "TRANSVAAL LEADER"

Sir,—The Hon. Mr. Gokhale is certainly worthy of the most serious attention

Beginning at Capetown with most guarded expressions of professedly unformed opinions, ere reaching Durban two weeks later he boldly asserts that "the only possible solution of the present situation is to place his proteges on equal terms as subjects of the Union." "If that were withheld the situation would be serious." His convictions, if they continue to develop as rapidly, may reach a declaration of open defiance of British authority by the time he reaches India, and as he expects to be taken seriously, the authorities in South Africa should certainly extend to him the serious attention his utterances merit, and save him and themselves later trouble.

Arising from his visit, I would urge the retail merchants' community to see that they bring the strongest possible influence to bear upon the Union Government to prevent any tampering with legislation in relaxation of the restrictions at present placed on the Indian community. A conference of the country Chambers of Commerce who specially suffer from Asiatic competition should be convened without delay. Potchefstroom might take the lead, with Boksburg as an alternative, and they would have the full and hearty support of other districts.—I am, etc.,

LYDENBURG.

November 12

THE INDIAN DIPLOMACY?

TO THE EDITOR OF THE "TRANSVAAL CHRONICLE."

Sir,—The Rand papers are full of Mr. Gokhale and his speeches. I would like to know from him what sort of diplomacy it is that he is working under. He comes to plead for his countrymen with the Government, but before he even interviews the Government he talks all sorts of balderdash, etc. Let me assure him that if the Government budges the very slightest there will be trouble, and that very serious, so my advice to Mr. Gokhale is to go back to India, and if possible take all his countrymen with him, and let him close India against all white South Africans with pleasure. We, on our part, shall be pleased to pay all coolies to leave South Africa.—I am, etc.,

BACK-VELDER

THE INDIAN PROBLEM.

Why not Repatriation?

TO THE EDITOR OF THE "RAND DAILY MAIL."

Sir,—With regard to the Indian in South Africa the situation that has arisen in the Union, and misunderstanding of same in India, must convince us that an almost immediate solution of the question is necessary.

A method, which for its very nature promises the best results, is that of repatriation, there are many reasons why the Indian should be sent home; inter alia, he has proved himself dissatisfied with local conditions and an agitator in a very marked degree. He has shown that in every walk of life he can enter into keen competition with the European, and, because of his lesser requirements, successfully oust him. A case in point is that of a well-known and long-established Johannesburg firm who employ Indians as commercial travellers. We have only to turn to Lourenco Marques to see him filling the calling of banker there, and what he can become across the border there is nothing to prevent him becoming this side of it, if he is allowed to remain amongst us.

In giving expression to his views Mr. Gokhale stated, as one of his points, that it was not the intention of Indians to engage in the politics of this country, and that all the Indian wanted was to be allowed to trade. From the point of view that money is power, and that the Indian, because he is a good trader, will acquire both, it follows that he is not going to be content with no say in the government of the country. He will consider himself entitled to the franchise, and what is more, will get it, and will take an ever-increasing interest in all that concerns South Africa.

Another point that will eventuate and give trouble, a result of the Indian forcing his way, as he will do, into the grooves and occupations of Europeans, is the view the Kaffir will take of it. Urged by his educated brethren, the native will clamour for the same rights and privileges enjoyed by the Indian, and will not rest until his demands are complied with. At present the principal bar to positions held by Europeans that presents itself to the native mind, is that of colour—he recognises no other, or, if they exist, they do not influence him so strongly to "keep off the grass." Picture the working of the native mind when he perceives men filling Government and other positions that he thought were exclusively reserved for Europeans. It is a fact that in certain countries under British rule the Indian has proved himself the equal of the European in clerical, and almost all other work—time will show whether he will be given the opportunity to prove it here. Difficult as our task is to-day in dealing with the Indian question, it will be then ten times more so, and well-nigh impossible to handle, when both Indian and native are arrayed against us—in this lies the menace of the Indian in our midst.

Even if the cost to the country amounts to several millions, the Indian should be compensated and repatriated. To find the money necessary for carrying out this scheme an extra tax of $\frac{1}{2}$ to 1 per cent. should be levied on all imported goods, this tax to remain in force until the total amount expended has been collected. No one would feel the tax, but each and everyone would feel the benefit and satisfaction of having, once and for all, solved an aggravating problem.—I am, etc.,

JOSEPH LEVY

Johannesburg, Nov 13, 1912

"A PROHIBITED IMMIGRANT."

Mr. H. S. L. Polak, editor of "Indian Opinion," writes to Durban newspapers as follows regarding Mr. Gokhale's mission in South Africa, which, he declares, is one of reconciliation, and for the promotion of a better understanding between the Indian and European sections of the South African population:—

"During the course of an extended tour through the Indian Peninsula, covering a period of two years, I found everywhere, in responsible circles, a frank appreciation of the position of the South African Europeans, which I sought every opportunity to impress upon my audiences, and nowhere did I hear any demand for the wide-open door for Asiatic immigration, especially in view of the fact that European immigration itself is not unrestricted. But it was continually argued, and Mr. Gokhale has himself recently emphasised the fact, that the problem of the South African Indian population resulted from no spontaneous migration on the part of the Indian people, but from an artificial movement promoted and fostered by the European inhabitants themselves, and continued for some years against the express desire of the Indian settlers. To the philosophical Indian mind, which is trained from infancy to a correct perception of the law of cause and effect, it has been a matter of very great surprise that South African colonists have been, on the whole, unwilling or unable to realise that they must reap what they have sown, and assume the responsibility for their past acts of omission or commission. It has been, moreover, pointed out that there is a vast difference between a policy of the wide-open door and such a policy as that which, at this very day, renders Mr. Gokhale a statutory undesirable in the Transvaal. It is a striking and significant fact, which can only be altered by the passing of the legislation promised to give permanent effect to last year's provisional settlement, that this distinguished visitor of ours is, in law, a prohibited immigrant in the Transvaal, is there by an act of grace and not as a matter of right, and is liable to be removed from the Province without trial by an administrative order. Such possibilities as these are incomprehensible to thinking Indians, who claim that India is entitled to stipulate for two things: (a) That immigration restriction shall not be secured by racial legislation, and that it should be of such a character as to secure the admission to South Africa, as a matter of right, for the welfare and advantage of Indians and Europeans alike, of the cultured elements of Indian life, and (b) that the dis-

abilities imposed upon Indians lawfully resident in the Union, whose numbers will diminish rather than increase, in the course of years shall be, so far and so speedily as possible removed. It is not, I believe, too much to ask the sympathy of my fellow-countrymen here for such a reasonable demand. I feel that if only the Indian position is properly understood in this country, the Imperial aspect of the problem will be thrown into bolder relief, and the way be left clear for that rapprochement which all responsible men in the community so ardently desire."—*Star*, November 1.

Port Elizabeth Address.

To the Hon. Gopal Krishna Gokhale, C I.E.

We, the undersigned, on behalf of the Vannia Kula Kshatriya Society, Port Elizabeth, beg respectfully to welcome you in the sub-continent of South Africa upon the joyful occasion of your visit to South Africa. Distant as we are from our native land and separated by the wide sea from the ancient seat of our faith, our hearts are stirred within us at the thought of the kindly solicitude which

promotes your presence in South Africa. We feel so highly the matchless privilege and honour to have one of the sons of India amongst us even for a brief period that our words can only feebly express our emotion; but we feel happier, and our faith in you will shine brighter at the memory of it in days to come. We beg to express to you our gratitude for the advice you have imparted to us and the influence you have radiated in our own Indian community, both of which will be treated most reverently. We trust that your visit will move the Union Government to grant us immediate relief. We also trust that in future the tie thus formed will be strengthened and developed by the further communication with our motherland, and that sweet communion may tend to devotion to the highest good. We hope that you will carry to our own people the expression of our undying love. We, on behalf of the Vannia Kula Kshatriya Society of Port Elizabeth, beg to sign ourselves, with all devotion, your most obedient servants,

A. ARUNACHULAM PADAYACHEE, President.
 S. APAROO PADAYACHEE, Vice President
 N. PONNOOSAMMY PADAYACHEE, Chairman.
 S. PACKREESAMMY PADAYACHEE, Vice Chairman.
 A. SUBBAYA PADAYACHEE, Secretary
 V. MUTHIA PADAYACHEE, Joint Secretary
 G. VEERASAMMY PADAYACHEE, Treasurer.



APPENDIX III.

PRINCIPAL ANTI-INDIAN ENACTMENTS AND REGULATIONS IN SOUTH AFRICA.

Union of South Africa.

South Africa Act (1909).

The qualifications of a Senator shall be as follows.—
He must

(d) Be a British subject of European descent.

The qualifications of a member of the House of Assembly shall be as follows.—

He must

(c) Be a British subject of European descent.

The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council, who shall exercise all special powers in regard to native administration hitherto vested in the Governors of the Colonies or exercised by them as supreme chiefs, and any lands vested in the Governor or Governor and Executive Council of any Colony for the purpose of reserves for native locations shall vest in the Governor-General-in-Council, who shall exercise all special powers in relation to such reserves as may hitherto have been exercisable by any such Governor or Governor and Executive Council, and no lands set aside for the occupation of natives which cannot at the establishment of the Union be alienated except by an Act of the Colonial Legislature shall be alienated or in any way diverted from the purposes for which they are set apart except under the authority of an Act of Parliament.

Cape Colony.

The Immigration Act, 1906.

[No 30, 1906.]

ACT

"To amend the Law placing restrictions on Immigration and providing for the removal from the Colony of prohibited immigrants."

BE IT ENACTED by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1 Act 47 of 1902, entitled "The Immigration Act, 1902," is hereby repealed, but such repeal shall not affect any acts or things done or commenced, any rights, privileges or protection acquired, any penalties or liabilities incurred, any disability or disqualification existing, any offences committed or any proceedings taken at the commencement of this Act.

2 In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them, that is to say:—

"Ship" shall include any ship, vessel, or boat or description thereof used in navigation

"Master" shall include any person other than a pilot in charge or command of any ship.

"Immigrant" shall mean and include any person who arriving from without this Colony enters or claims to enter by land or sea.

3 Subject to the provisions of this Act, it shall be unlawful for any immigrant who is or appears to be of any one of the following classes to enter this Colony by land or sea; and every such immigrant shall be termed a "prohibited immigrant":—

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

(b) Any person who is not in possession of visible means of support or is likely to become a public charge.

(c) Any person who has been convicted of any of the following offences, that is to say, murder, rape, theft, fraud, perjury, forgery, or other infamous crime, and was by reason of the circumstances connected with such offence is deemed by the Minister to be an undesirable.

(d) Any person who is a lunatic within the meaning of the second section of the Lunacy Act, 1897.

(e) Any person, male or female, who lives or has lived on, or knowingly receives or has received any part of the proceeds of prostitution.

(f) Any person who from information officially received by the Minister from any Secretary of State or from any Colonial Minister or through diplomatic channels from the Minister of any foreign country is deemed by the Minister to be an undesirable.

But, in the case of an immigrant, who proves that he is seeking admission to this Colony solely to avoid persecution or punishment on religious or political grounds, or for an offence of a political character, or persecution, involving danger of imprisonment, or danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of visible means of support, or the probability of his becoming a public charge, provided that such immigrant shall only be permitted to land on receiving a licence under the hand of the Minister.

4. The provisions of the preceding section shall not apply to any immigrant who is of any of the following classes:—

(a) Members of His Majesty's Naval and Military forces.

(b) The officers and crew of any public ship of any foreign State

(c) Any person who is duly accredited to the Colony by or under the authority of His Majesty, or of the Government, of any foreign State, with his wife, family and servants.

(d) Any person who has served in any of His Majesty's Volunteer forces in South Africa, and has received a good discharge and who does not come under sub-sections (c), (d), (e) or (f) of the preceding section.

(e) The wife and any child under the age of 16 years of any person who is permitted to immigrate into the Colony under the provisions of this Act.

(f) (a) Persons Born in South Africa.

(b) Persons of European Birth domiciled in South Africa who do not come under sub-sections (c) and (e) of the preceding section.

(g) Any Asiatic who having, when lawfully resident within the Colony, obtained from the Minister a permit issued under such regulations as shall be proclaimed thereof by the Governor, authorising him to temporarily absent himself from the Colony, returns in accordance with the terms and conditions of such permit.

(h) European persons who are agricultural or domestic servants, skilled artisans, mechanics, workmen or miners, immigrating under any scheme approved by the Governor, upon being satisfied that there is no sufficient supply available of the class of labour required at an adequate rate of remuneration in this Colony, and are able to produce a certificate signed by the Agent-General of the Colony in England or the officer appointed by the Governor in England or elsewhere to grant certificates for the purpose of the Act, certifying that the person named therein has been engaged to serve, immediately on arrival in the Colony, an employer therein of repute at an adequate remuneration and for a reasonable period of time.

5 Any person found to have immigrated at any time into this Colony by land or sea in violation of the provisions of this Act or of "The Immigration Act, 1902," shall be liable to a penalty of £50 or in the alternative to three months' imprisonment with or without hard labour, and to be removed at any time from within the limits of the Colony and to be detained in such custody as may by regulation be prescribed pending such removal.

6 Any master of any ship who knowingly directly or indirectly allows any immigrant to leave his ship, whereby such immigrant contravenes any provisions of the Act, and the owners of any such ship which any such immigrant so leaves shall be jointly and severally liable to a penalty of £100, and to a further penalty of £20 for each such immigrant landed in excess of the number of five. Such ship may be refused a clearance till such penalty has been paid, and may in default of payment by or on behalf of the masters or owners and by order of the Supreme Court be attached and declared executable in satisfaction of any writ issued for the recovery of any such penalty; provided that in lieu of granting such order, it shall be lawful for

the Court to accept such security for the payment of such penalty as may appear to be adequate.

7. Any person aiding or assisting any person in any manner whatsoever in the contravention of any provisions of this Act, or of the regulations framed thereunder, or making any false declaration in order to obtain for himself or another person any certificate or other recommendation for the purposes of this Act, or entering into any contract for the purposes of any evasion of the provisions of this Act, shall be liable to a fine not exceeding £100, or to imprisonment with or without hard labour for a period not exceeding six months.

8. It shall be lawful for the Governor from time to time by proclamation to make regulations in order to prevent any immigration into this Colony contrary to and in violation of the provisions of this Act, and to appoint officers within and beyond the limits of the Colony to carry out such regulations, and to provide for the removal from within the territorial limits of the Colony of any persons who are, under and by virtue of the provisions of this Act, prohibited from immigrating thereto, and settling therein, and to provide for the temporary custody, control and accommodation of such persons pending their removal as aforesaid; and to provide for the importation, reception, accommodation, maintenance, registration, distribution and contractual engagements of persons immigrating under any scheme approved by the Governor under sub-section (h) of section four of this Act; and to provide for the issue of certificates and other documents under such regulations and the payment of fees therefor; and to provide for the passage of prohibited immigrants through the Colony or for their temporary residence therein and to provide for and subscribe the deposits of security for their journey through the Colony or leaving it within the period allowed to them; and generally in furtherance of the objects and intents of this Act.

9. It shall be lawful for the Governor to refuse to prescribe penalties for the contravention of any regulation made by him under this Act, provided that no penalty in respect of any one contravention shall exceed a fine of £100, or in default of payment thereof, imprisonment with or without hard labour for a period exceeding twelve months or to imprisonment with or without hard labour and without the option of a fine for a period exceeding twelve months.

10. This Act may be cited as "The Immigration Act, 1906."

ORANGE FREE STATE.

Statute Law of the Orange Free State, Chapter xxxiii.

Law to provide against the Influx of Asiatics, &c.

1. No Arab, Chinaman, coolie, or other Asiatic coloured person may settle in this State, or remain here longer than two months without first having obtained permission so to do from the State President.

2. Any coloured person, as aforesaid, who desires to obtain such permission shall apply to the Landdrost of the district where he intends to reside to be admitted as an inhabitant of the State. The form of application shall be according to Schedule "A" annexed to this Chapter.

3. The Landdrost to whom such application as made shall publish a notice thereof in the *Government Gazette*, at the expense of the applicant, and affix a copy of such notice to the door of the Landdrost's Office, and shall notify, in such notice, that any objections must be made to him within thirty days from the date of publication of the notice.

4. After expiration of the said period of thirty days the Landdrost shall send, to the State President, certified copies of the application mentioned in Article 2, and of the sworn declarations mentioned in Article 8, together with any objections which may have been made to the application and sworn declaration in his office. He shall also keep a list of the names of the persons to whom permission shall have been granted in terms of this Chapter.

5. The State President shall be at liberty to grant or refuse the said application or to appoint a commission to inquire into it, according to circumstances, such commission to consist of the Landdrost of the district and two other persons to be appointed by the State President.

6. This commission shall be bound to institute its inquiry as soon as possible and report immediately to the State President, who shall thereupon decide.

7. No such coloured person as is mentioned in the preceding Articles nor the successor in title of any such coloured person shall, under any circumstances, have the right to have fixed property registered in his name in this State.

8. No such coloured person as is mentioned in the preceding Articles, shall, under any circumstances, be permitted by the State President to settle in this State for the purpose of carrying on a commercial business or farming, either directly or indirectly, and each applicant, before obtaining permission to reside in this State, shall make and sign a sworn declaration before the Landdrost to whom he makes the application, in which he shall declare that he will neither directly or indirectly carry on a commercial business or do any farming in this State, and each such coloured person carrying on any other business or trade than the one for which he obtained permission to settle in the country shall be liable to fine or punishment as provided in the following Article (No. 9).

9. Any such coloured person, as is mentioned in the preceding Articles, who establishes himself in this State without having obtained the required permission or who is found in this State contrary to the provisions of this Law, shall be liable, for the first offence, to a fine not exceeding £25 sterling, or in default of payment to imprisonment, with or without hard labour, for a period not exceeding three months, and for subsequent offences the fine and punishment shall each time be doubled. All contraventions of this Law shall fall under the jurisdiction of the Landdrost's Court.

10. A period of twelve months, ending the 11th day of September, 1891, shall be allowed to each such coloured person, as is hereinabove mentioned, who may happen to be in the State when this Law comes into force, within which time such coloured person must apply to the Landdrost in terms of Article 2, and if he be found in this State after the expiration of the said twelve months without the necessary permission, he shall be liable to the penalties contained in the preceding Article 9. Such coloured persons as are mentioned in Article 1, who have been permitted in terms of previous Laws to come into this State shall retain all rights granted them under such Laws.

11. In all judicial proceedings against any coloured person as aforesaid, for contravention of this Chapter, such coloured person shall be considered not to have obtained permission from the State President unless he shall produce such permission at the trial of the case, or shall give other sufficient evidence that he did obtain permission.

12. The Provisions of this Chapter shall not apply to the inhabitants of the Cape Colony known under the name of Malays.

SCHEDULE A

District
Name of Applicant
Place of Birth
Age
Nationality
Last Residence
Period of Residence at such place
Name of last Employer
Nature of work done under him
Nature of work to be done in this State
Signature of Person
Before me, Landdrost, at this day

SCHEDULE B.

Sworn Declaration.

I, temporarily of , declare under oath that I intend to take up my residence in the Orange Free State as , and that I shall not, directly or indirectly, carry on or cause to be carried on any merchant's business or farming in this State.

Declared at on this day of before me, Landdrost, at

TRANSVAAL.

Law No. 3, 1885.

(As amended by Volksraad Resolutions of 1886 and 1890, and by Act 2 of 1907.)

Coolies, Arabs and other Asiatics.

1. This Law shall apply to the persons belonging to any of the native races of Asia, including the so-called Coolies, Arabs, Malays and Mohammedan subjects of the Turkish Dominion.

2. With regard to the persons mentioned in Article 1 the following provisions shall apply:—

- (a) They shall not be capable of obtaining burgher rights of the South African Republic.
- (b) They may not be owners of fixed property in the Republic except in such streets, wards and locations as the Government shall appoint for sanitary purposes as their residence
- (d) The Government shall have the right to appoint special streets, wards and locations as their residence. This provision shall not apply to servants living with their masters

class of passenger for which the carriage upon which they are passengers is set apart, and licensed by the Council as aforesaid.

- (a) Any person holding a special permit, signed by the General Manager on behalf of the Council duly authorising him thereto, may travel upon any carriage or portion of a carriage whatsoever.
- (b) Domestic servants in charge of children may travel and occupy any seat that may be allotted to them by the conductor upon any carriage or portion of a carriage set apart and licensed for the use of the class of passenger to which such children belong;
- (c) Domestic and personal servants in attendance upon their masters and mistresses may travel and occupy any seat that may be allotted to them by the conductor upon the outside of any carriages set apart and licensed for the class of passengers to which such masters and mistresses belong, and no driver or conductors admitting any such person or servant shall be deemed to have contravened this Bye-Law, provided always that nothing in this Bye-Law shall be deemed to relieve the Council of any obligation that may attach to it to provide reasonable accommodation for every class of passenger.

Law No. 3 of 1897.

Regulating the Marriages of Coloured Persons within the South African Republic

Inasmuch as the People allow the dissemination of the Gospel among coloured people, and provision was made by Law No 3, 1871, that the marriages of coloured people should be regulated by law, and inasmuch as the people will not tolerate any equalisation (as between whites and blacks) either in Church or State, and, inasmuch as there are coloured persons who, by instruction and civilisation, have become distinguished from barbarians, and who, therefore, desire to live in a Christian and civilised manner, and accordingly wish to be lawfully united in marriage, be it hereby enacted as follows —

Marriages of white persons, however, with coloured persons, are not allowed under this Law

The term "coloured person" in this Law shall mean any person belonging to, or being a descendant of, any native race in South Africa, and persons being descendants of one of the races mentioned in Art 1 Law No. 3, 1885

REGULATIONS FOR TOWNS IN THE SOUTH AFRICAN REPUBLIC (1899.)

36 Coloured persons are prohibited from walking on the side-walks of the streets, or on any stoep serving as a side-walk

NOTE—This prohibition is still in force in Pretoria.—Ed 10

JOHANNESBURG MUNICIPAL ORDINANCE

(2—Private—of 1906)

38. It shall be lawful for the Council to establish, maintain and control within or without the limits of the Municipality bazaars or townships for the exclusive occupation of Asiatics and to erect and maintain buildings in such bazaars or townships for the accommodation of Asiatics, provided that no such location, bazaar or township shall be established within the area of any other Municipality save with the consent of the Council thereof

39. It shall be lawful for the Council to grant leases of plots in any native location or Asiatic bazaar or township established by the Council or under its control for any term not exceeding thirty-three years in such form and subject to such conditions as the Lieutenant-Governor may approve.

41. The Council may from time to time make, alter and revoke bye-laws or regulations for all or any of the following purposes —

(77) For maintaining and regulating bazaars or townships for Asiatics established or controlled by the Council.

MUNICIPAL COUNCIL OF JOHANNESBURG.

Tramway Bye-Laws.

1. For the purposes of these Bye-Laws, "Coloured person" shall include any native and other coloured person except Asiatics

23 The Council may at its discretion set apart and licence any carriage or portion of a carriage for the use of passengers of European race only, and may further set apart and licence any carriage or portion of a carriage for the use either of passengers of Asiatic race or of coloured passengers only, or for the exclusive use of both coloured persons and persons of Asiatic race

Any person entering upon, or attempting to enter or travel upon any carriage or portion of a carriage set apart and licensed by the Council for a class of passenger to which he does not belong, and any driver or conductor admitting any such person upon such carriage or portion of a carriage shall be deemed to have committed a breach of these Bye-Laws, provided always that upon payment of the proper fare, notwithstanding the fact that such person may not belong to the

Cemetery Bye-Laws.

10 No native or coloured person shall enter the European portion of any cemetery, except by permission of the Caretaker

TRANSVAAL ARMS AND AMMUNITION ACT.

(10 of 1907)

3 (2) No licence shall be issued to a native without the sanction of the Minister for Native Affairs

(2c) No licence shall be issued to any coloured person other than a native without the sanction of the Minister.

(d) Every licence issued to a native or coloured person without the sanction first obtained of the Minister of Native Affairs or the Minister as the case may be shall be null and void

Transvaal Immigration Act (15 of 1907).

1. The Peace Preservation Ordinance 1903 shall be and is hereby repealed. Provided that no such repeal shall effect or abridge any powers or jurisdiction by the Asiatic Law Amendment Act 1907 conferred for the purpose of carrying out such Act; but the said Ordinance shall for all the purposes of such Act be deemed to remain of full force and effect

"Prohibited Immigrant" shall mean and include any of the following persons desiring to enter or entering this Colony after the date of the taking effect of this Act:—

Any person who when asked whether within or outside this Colony by a duly authorised officer shall be unable through deficient education to write out (from dictation or otherwise) and sign in the characters of an European language an application for permission to enter this Colony or such other document as such officer may require: Provided that for the purposes of this sub-section Yiddish shall be accepted as an European language.

Any person who at the date of his entering or attempting to enter this Colony is subject or would if he entered this Colony be subject to the provisions of any law in force at such date which might render him liable either at such date or thereafter if found therein to be removed from or to be ordered to leave this Colony whether on conviction of an offence against such law or for failure to comply with its provisions or otherwise in accordance with its provisions. Provided that such conviction be not the result of the commission by such person elsewhere than in this Colony of an offence for which he has received a free pardon, but shall not include:

- (e) The wife or minor child of any person who is not a "prohibited immigrant";
- (f) Any European person who has been at any time lawfully resident within this Colony and who has not under the provisions of any law been removed from or ordered to leave this Colony,
- (g) Any Asiatic who is eligible for or has obtained a certificate of registration under the Asiatic Law Amendment Act 1907, and who does not come within the scope of sub-sections (3), (4), (5), (6), (7), or (8) of the definition of "prohibited immigrant";

European persons who are agricultural or domestic servants, skilled artisans, mechanics, workmen, or miners who are able to produce a certificate signed by the Agent-General of this Colony in England or by an officer in England or elsewhere appointed for the purpose by the Governor to the effect that the person named therein has been engaged to serve immediately on arrival in this Colony an employer therein of repute at an adequate remuneration and for a reasonable period of time. Provided that such persons do not come within the scope of any sub-section of the definition of "prohibited immigrant" other than sub-section (2)

5. Every prohibited immigrant entering into or found within this Colony shall be guilty of an offence and shall be liable on conviction:

- (1) To a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and
- (2) To be removed at any time from the Colony by warrant under the hand of the Minister, and pending such removal to be detained in such custody as may by regulation be prescribed

8. No prohibited immigrant shall be entitled to obtain a licence to carry on in this Colony any trade or calling or to acquire therein any interest in land whether leasehold, freehold, or other interest, and any such licence (if obtained) or any contract deed or other document by which such interest is acquired in contravention of this section shall on conviction of such immigrant under section five of this Act be null and void.

9. Every person found in this Colony who is reasonably suspected of being a prohibited immigrant may be arrested without warrant by any magistrate, justice of the peace, police officer or officer of the Department, and shall as soon as possible be brought before a court of Resident Magistrate to be dealt with according to law

11. Any person ordered to be removed from this Colony under this Act and any other person who shall have been convicted under section seven of aiding or abetting him in entering or remaining in the Colony in contravention of this Act shall be liable to pay all expenditure incurred by the Government in carrying out such removal whether from the Colony or South Africa or in the detention within the Colony or elsewhere of any person pending his removal; and the amount of such expenditure on production to the Sheriff of the certificates of an officer of the Department stating the items and total amount of such expenditure shall be recovered by execution levied on the property within the Colony of the person so liable in manner provided for execution levied under a judgment of the Supreme Court; and the proceeds of such execution shall be paid by the Sheriff to the Treasurer, who after deduction of the amount of expenditure aforesaid and the costs of execution shall remit the balance to the person so liable or to any person appointed by him to receive same

13. The burden of proving that a person has not entered or remained in this Colony in contravention of this Act or any regulation shall in any prosecution for such contravention lie upon the accused person

Education Act (25 of 1907)

Schools, Classes and Instruments for Coloured Children or Persons.

28. The Minister may from time to time—
- (a) Establish or maintain such schools, classes and institutions as may be deemed necessary or expedient for the instruction of coloured children or persons;
 - (b) Make grants in aid of any school, class or institution which is provided for the instruction of coloured children or persons and is under the superintendence of an European missionary or of a person approved by the Director;
 - (c) Establish or maintain such classes and institutions as may be deemed necessary or expedient for the training of coloured persons desirous of becoming teachers in any of the schools, classes or institutions mentioned in this section or for improving the qualifications of teachers engaged in such schools, classes or institutions;
 - (d) Make grants in aid of any classes or institutions provided for the purposes mentioned in sub-section (c) of this section which are under the superintendence of an European Missionary or other person approved by the Director

29. No coloured child or person shall be admitted to or allowed to remain a pupil or member of any school, class or institution mentioned in Chapters III. or IV. of this Act and the duty of carrying out the provisions of this section shall lie with the Board or with the governing or managing body established under section seventy-three

40 (1) Every white person of full age shall be qualified to be appointed or elected a member of the Board of the district in which he resides except

(a) An alien;

Note—Free and compulsory primary education is provided for white children, but not for coloured.

Act No 27 of 1907.

AN ACT

(To amend the Vrededorp Stands Ordinance 1906)
(Assented to 19th August, 1907)

Whereas the Government of the late South African Republic by certain Executive Council Resolutions No. 709 of 13th December 1893, No. 137 of 20th March 1894, No. 180 of 3rd March 1896, and the First Volksraad by Resolution Article 1181/96 confirming Second Volksraad Article 940/46 authorised the issue of stand licences on the open stands on Government ground in the area known as the Township of Vrededorp to indigent persons for the purpose of occupation by such persons and on certain conditions in the said Resolutions set forth

And whereas it is expedient that the freehold title to the said stands should be transferred from the Government of this Colony to the Municipal Council of Johannesburg and by it should be transferred to the registered holders of such stands subject to certain conditions,

And whereas it is further expedient that other land in the area known as the Township of Vrededorp should be transferred to the said Municipal Council,

Be it enacted by the King's Most Excellent Majesty by and with the advice of the Legislative Council and Legislative Assembly of the Transvaal as follows:—

1. The Vrededorp Stands Ordinance 1906 shall be and is hereby repealed.

2. In this Act unless inconsistent with the context:—

"Appointed day" shall mean the date of the taking effect of this Act,

"Civil Magistrate" shall mean one of the Civil Magistrates of Johannesburg mentioned in Section fifty-four of the Magistrate's Court Proclamation 1902.

"Council" shall mean the Municipal Council of Johannesburg,

"Owner" shall mean a registered holder who has acquired under this Act the freehold of the stand registered in his name or the person to whom such freehold has been legally transferred,

"Registered Holder" shall mean any person for the time being registered as the holder of any Stand under a grant made under the resolution;

"Stand" shall mean any piece of ground set apart as a stand and within the area defined in the first Schedule to this Act,

"The Resolutions" shall mean the Resolutions mentioned in the preamble to this Act;

"Town Clerk" shall mean the Town Clerk of Johannesburg or any person lawfully acting in such capacity

3 (1) On the appointed day the freehold title in so much of the area of land defined in the first Schedule hereto as is vested in the Crown (except such portions thereof as are at the date of the taking effect of this Act occupied by the Crown or reserved for public purposes) shall be by the Governor granted to and vested in the Council (without reservation to the Crown of the right to minerals, mineral products or precious stones on or under such areas) and registered in the name of the Council in the Deeds Office without payment of transfer stamp duty or registration charges. PROVIDED always that such Area when granted to the Council shall be held by the Council subject to the provisions of this Act. (2) All rights and obligations of the Government under and by virtue of the Resolutions and of any grants made thereunder shall be vested in the Council on the appointed day, but such rights and obligations and the rights acquired by registered holders under the resolutions shall continue in force subject to the provisions of this Act.

4. On the appointed day or at any time within a period of four years thereafter every registered holder shall be entitled on making application in writing to the Town Clerk to obtain from the Council in substitution for his existing interest in the stand registered in his name a

freehold title on payment of the price prescribed by and the other moneys payable under Section five and subject to the following conditions:—

- (a) That such title shall not be transferred to any Asiatic native or coloured person;
- (b) That the owner after the expiry of the said period of four years shall not permit any Asiatic native or coloured person (other than the bona-fide servant of a white person for the time being residing on the stand) to reside on or occupy the stand or any part thereof;
- (c) That the owner shall not transfer or sub-let or permit to be transferred or sub-let the stand or any part thereof to any Asiatic native or coloured person,
- (d) If after the expiry of the said period of four years any Asiatic native or coloured person (other than such servant as aforesaid) is found residing on the stand or occupying the same or any part thereof the Council may give notice in writing under the hand of the Town Clerk posted to or delivered at the owner's last known address and affixed to any building or erection on such stand requiring the owner to cause such Asiatic native or coloured person to leave or vacate such stand or part thereof within a period of three months from the date that such notice is so posted or delivered or to appear before the Civil Magistrate at an hour on a date and at a place to be named in such notice to show cause why he should not comply with the terms of such notice, and on the failure of such owner to comply with the terms of such notice or to show cause to the satisfaction of such magistrate why he should not so comply, such magistrate may declare the title of such owner to be forfeited.

13 After the expiry of the said period of four years it shall not be lawful for any Asiatic native or coloured person (other than the bona-fide servant of a white person for the time being residing on a stand) to reside on such stand or to occupy the same or any part thereof and any such Asiatic native or coloured person so residing or occupying may be ejected from such stand on action brought by the owner thereof or by the Council. Every such action shall notwithstanding anything in the Magistrate's Court Proclamation 1902 contained be brought in the Court of the Civil Magistrate.

Provided that nothing in this Section contained shall in any way deprive such Asiatic native or coloured person of any right to compensation which he may have at law against such owner or the Council or other person by reason of the exercise of the powers of this Section.

14 It is hereby expressly enacted that every transfer of a stand or portion thereof and every agreement (whether oral or in writing) to transfer or sub-let a stand or portion thereof to an Asiatic native or coloured person if such transfer or agreement be made after the fifth day of August, 1907, shall be null and void.

Workmen's Compensation Act.

[No. 36 of 1907.]

"To provide for and regulate the liability of employers to make compensation for personal injuries to workmen and to punish certain offences in connection with such injuries."

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of the Transvaal as follows:—

1. In this Act, unless inconsistent with the context, "Workman" shall mean any white person engaged by an employer to perform work under agreement of service or of apprenticeship or otherwise, whether such agreement be expressed or implied, be oral or in writing, and whether payment be made by time or calculated on work done.

3. Save as in section two is provided if personal injury is caused by any accident to a workman necessitating his absence from work for a longer period than one week the employer and every principal shall be liable to pay to such workman compensation as in section seven is provided.

IMMORALITY ORDINANCE.

(No. 46 of 1903, as amended by No. 16 of 1908.)

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows:—

2. In this Ordinance, unless there is something repugnant in the subject or context, "unlawful carnal connection" means carnal connection otherwise than between husband and wife.

The following persons are deemed to keep a brothel.

"any person whose wife resides in or manages or assists in the management thereof unless he bona fide lives apart from her"

19. (2) Any native having or attempting to have unlawful carnal connection with a white woman in circumstances which do not amount to rape, and any native who entices, solicits, or importunes any white woman, to have unlawful carnal connection with him, or to the commission of immoral or indecent acts, shall be guilty of an offence and liable on conviction to imprisonment with hard labour for a period not exceeding six years, and in addition to such imprisonment, to whipping not exceeding twenty-four strokes.

For the purposes of this section the expression "native" means a person manifestly belonging to any of the native or coloured races of Africa, Asia, America or St. Helena.

NOTE.—Marriages between coloured persons and whites are prohibited. No penalty is provided against a white male who cohabits with a "native" female.

Transvaal Townships Amendment Act.

[34 of 1908.]

9. (1) From and after the commencement of this Act the stand license moneys payable on any stand in a Government township before the commencement of the Act shall continue to be payable, but the registered holder shall have the right subject to the provisions of this Act to obtain a freehold title thereto in manner provided by this Act.

(C).—TOWNSHIP OF VREDEDORP

35. (1) Section 5 of the Vrededorp Stands Act, 1907, shall be and is hereby amended by the substitution of the words "fifteen pounds" for the words "forty pounds" occurring in sub-section (1) thereof.

(2) The Municipal Council of Johannesburg shall lodge with the Registrar of Deeds an approved or confirmed diagram of the Township of Vrededorp (as in the Vrededorp Stands Act, 1907, described), and the title deeds thereto in manner provided by section fifty of this Act.

(3) As soon as the provisions of sub-section (2) have been complied with, the registering officer shall issue a certificate of freehold title to a Vrededorp stand to any registered holder (as defined in the Vrededorp Stands Act, 1907) who produces to him a receipt (in the form shown in the Sixth Schedule hereto) for payment of moneys due to the said Council under the said Act as by this Act amended, and who pays for such certificate the fee of ten shillings mentioned in sub-section (2) of section sixty-four of this Act.

(4) The certificate of freehold title issued by the registering officer under this section shall be subject to the conditions prescribed by section four of the Vrededorp Stands Act, 1907, and such conditions shall be incorporated in the certificate.

(5) Whenever in the Vrededorp Stands Act, 1907, the words "Registrar of Deeds" occur, the term "registering officer" shall for the purposes of this Act be substituted therefor.

62. (2) The Governor may make, alter and rescind regulations for the purpose of fixing the terms and conditions to which the freehold title to stands or lots in each and every township shall be subject. Such regulations shall have the same force and effect as the provisions of this Act, from the date of the publication of the regulations in the Gazette.

Crown Grant.

The land hereby granted shall be subject to the provisions of the Townships Amendment Act, 1908 (Transvaal), or any amendment thereof, and shall be subject to the following conditions:—

(d) It or any portion of it shall not be transferred, leased or in any other manner assigned or disposed of to any coloured person, and no coloured person other than the domestic servants of the registered owner or his tenant shall be permitted to reside thereon or in any other manner occupy the same. Any breach of the foregoing condition shall entitle the Government of the Union of South Africa to cancel this Grant and to resume possession of the land hereby granted without payment of any compensation in respect of buildings or structures erected on or improvements effected to the said land.

Transvaal Gold Law. (ACT 35 of 1908)

The following are the main provisions of the Transvaal Gold Law referring to or excluding coloured persons and, therefore, to British Indians:—

"Coloured person" shall mean any African or Asiatic native or any other person who is manifestly a coloured person.

14. (1) Subject to the provisions of this Chapter, a prospecting permit shall, upon application, be issued by any Mining Commissioner, or other person authorised thereto by the Minister, to any white person of the age of 16 years or upwards, either on his own behalf, or on behalf of another such person or persons or of an incorporated company. Every prospecting permit shall be in the form prescribed by regulation.

32. (1) Every white person of the age of sixteen years or upward, may, on payment of licence moneys in accordance with section forty, obtain from the Mining Commissioner a licence called a "prospecting licence" entitling the holder, during a period of one month, to peg in the manner prescribed by regulation upon such portion of a public digging as is open to pegging the number of claims authorised by the licence, but not exceeding fifty.

78. Any white person who desires to erect a dwelling or place of business on open proclaimed land may make written application to the Mining Commissioner for one or more stands on such land, submitting with the application a sketch plan, clearly indicating the site required. The Mining Commissioner may in his discretion grant or refuse the application.

79. (1) Any white person who, or an incorporated company which, on any proclaimed land (whether open or held under mining title), desires to carry on works, necessary or incidental to the mining industry

- (a) for the generation of light, heat and power; or
- (b) for chemical works and the treatment of ores and by-products,

may make written application to the Mining Commissioner for a stand called "an industrial stand," submitting therewith a sketch plan clearly indicating the site required.

87. Any white person may make application in writing to the Chairman of the Board for the grant of a certificate (to apply for a licence to carry on the business of a general dealer or a kaffir eating house—Ed. I O.).

96. Any person who on any proclaimed land, except as provided in this Chapter, shall carry on any trade or business shall be guilty of an offence and liable

- (a) in the case of a first conviction to a fine not exceeding ten pounds, and
- (b) in the case of a second or subsequent conviction to a fine not exceeding fifty pounds and to a further fine not exceeding ten pounds for every day on which after the first conviction the offence is continued, or to imprisonment, without the option of a fine, for a period not exceeding six months.

97. Any person who

- (a) carries on mining, or
- (b) is the director or officer of a company which carries on mining, or
- (c) is an employer of labour on behalf of a person or company which carries on mining, and is at the same time interested, directly or indirectly, in a business
 - (i) the premises of which are on the ground on which such mining is carried on; and
 - (ii) for which a general dealer's licence or a licence under municipal regulation is required,

shall be guilty of an offence and liable on conviction to the same penalties as are prescribed for a contravention of the last preceding section.

107. (1) The Receiver of Revenue in any district may issue to any white person, who produces and lodges with such office a certificate of fitness under the hand of the resident magistrate or assistant resident magistrate of such district a licence for such district. Such magistrate shall not issue such licence except after enquiry from the Commissioner of Police and the Mining Commissioner.

114. Any coloured person who shall sell, barter, pledge, or otherwise dispose of any unwrought precious metal, or who shall obtain by purchase, barter, or pledge, or shall be in possession of any unwrought precious metal, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years; provided that nothing in this section contained shall apply to a coloured person handling unwrought precious metal in fulfilment of any contract of service with a person excepted under subsection (1) of section one hundred and five

128. The Governor may establish and maintain in connection with an existing mine or institution, or otherwise, a State Mining School, in which instruction shall be given in occupations incidental to mining. Only white male persons of the age of fourteen years shall be admitted to such instruction which shall only be given underground to persons of the age of sixteen years or upwards

130. (1) Save as is provided in section twenty-four no right may be acquired under this Act by a coloured person; and the holder of a right acquired under Law No. 15 of 1898 or a prior law under this Act shall not transfer, or sub-let, or permit to be transferred or sub-let, any portion of such right to a coloured person, nor permit any coloured person (other than his bona fide servant) to reside on or occupy ground held under such right.

(2) Any person contravening this section shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty pounds, and in the case of a continuing contravention to a fine not exceeding five pounds for every day during which such contravention is continued

131. (1) No coloured person shall be permitted to reside on proclaimed land in districts comprised in Class A, except in bazaars, locations, mining compounds, and such other places as the Mining Commissioner may permit

(2) Any coloured person contravening this section shall be liable on conviction to imprisonment for a period not exceeding one month, and upon such conviction the Mining Commissioner may cause any structures occupied by or erected for the use of such coloured person to be removed.

(3) Nothing in this section shall apply to coloured persons in the employ of a white person in so far as they live on the premises where they are so employed, nor to coloured persons who at the commencement of this Act were lawfully in occupation of premises

(6) Any person who occupies or resides upon proclaimed land without being in possession of a licence or permission under this Act or any other law authorising him to occupy or reside on such land, shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment without the option of a fine for a period not exceeding six months

Asiatic Registration Amendment.

Act No 36 (of 1908) Came into operation 21st September, 1908

AN ACT

To Validate the Voluntary Registration of certain Asiatics who failed to comply with the provisions of Act No 2 of 1907 and to make further provision for the Registration of Asiatics

(Assented to 22nd August, 1908)

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of the Transvaal as follows —

PRELIMINARY.

1. In this Act unless inconsistent with the context:

"Adult" shall mean of the age of sixteen years or over,

"Application for Registration" shall mean an application to be placed on the register of Asiatics made in the manner and form prescribed by regulation and accompanied by the particulars and means of identification required by regulation;

"Asiatic" shall mean any male person belonging to one of the native races of Asia and shall include a coolee, an Arab and a Malay but shall not include

- (a) A Malay born and resident in any British Colony or possession in South Africa; or
- (b) A person introduced into this Colony under the Labour Importation Ordinance 1904, or
- (c) An officer of any Consular service;

"Certificate of Registration" shall mean a certificate of registration under Act No. 2 of 1907, or a certificate under this Act in the form set forth in the Schedule to this Act or as prescribed by regulation;

"Commencement of this Act" shall mean the date on which this Act came into operation;

"Governor" shall mean the officer for the time being administering the Government of this Colony acting by and with the advice and consent of the Executive Council thereof;

"Guardian" shall mean the parent of a minor Asiatic or any other person under whose care such minor is living for the time being, or failing any such person the employer of such minor;

"Lawful Holder" as used in relation to any certificate of registration shall mean the person (other than a minor named therein) whose registration is thereby certified;

"Minor" shall mean under the age of sixteen years;

"Register of Asiatics" shall mean the register to be kept for purposes of this Act in manner prescribed by Regulation;

- "Registrar" shall mean the officer appointed by the Governor to keep the register of Asiatics and any person lawfully acting in such capacity;
- "Regulation" shall mean any regulation made under Section *seventeen* of this Act;
- "Unregistered Asiatic" shall mean an adult Asiatic who is not the holder of a certificate of registration.

Part I.

Validation of Voluntary Registration.

- 2 (1) Every person—
- Who is an Asiatic as defined by Act No 2 of 1907; and
 - By or in respect of whom an application for registration was on the tenth day of February, 1908, or any day subsequent thereto up till the tenth day of May, 1908, made to the Registrar or other duly authorised officer; and
 - to or in respect of whom a certificate in the form set forth in the Schedule to this Act was issued by the Registrar, shall, when in possession of such certificate, be deemed to be the lawful holder of a certificate entitling him to enter and reside in the Colony.
- (2) Every person who, having been the lawful holder of a certificate of registration under Act No 2 of 1907, has been permitted to obtain a certificate in the form in the Schedule to this Act in substitution for such first-mentioned certificate, shall also be deemed to be the lawful holder of a certificate entitling him to enter and reside in this Colony.
- (3) Every Asiatic who holds any certificate mentioned in this section shall be subject in all respects to the provisions of this Act and not to the provisions of Act No. 2 of 1907.

Part II.

Registration of Asiatics after the Commencement of this Act

3. An Asiatic shall be entitled to registration under this Act if—

- He satisfied the conditions described in sub-sections (2) or (3) of section *four*, whether he was or was not in this Colony at the commencement of this Act; or
- Being the lawful holder of a certificate of registration issued under Act No 2 of 1907, he desires to exchange such certificate of registration under this Act; or
- Having been a minor resident in this Colony at the commencement of this Act, he first entered the Colony with an adult Asiatic who was his guardian and who was registered under Law No. 3 of 1885 or any amendment thereof or is registered or entitled to registration under this Act, or
- He was born in any part of South Africa which was at the date of his birth within the boundaries of the Transvaal.

4.* (1) Every unregistered adult Asiatic resident in this Colony at the commencement of this Act shall before such date or dates and at such place or places and to such person or persons as the Colonial Secretary may by notice in the *Gazette* prescribe for particular areas of this Colony, make application for registration, and the Registrar shall, on being satisfied that such Asiatic is entitled to registration, issue to him a certificate of registration.

* See Government Notice 951 of 1908 (*Gazette*, 21st September, 1908, p 1110), fixing time as from 1st October, 1908, to 30th November, 1908, within which Asiatics to apply for registration, and places as Government Offices, Old Church Buildings, Von Brandis Square, Johannesburg (Oct) and Office of Registrar of Asiatics, National Bank Buildings, Pretoria (Nov); and Government Notice No. 1009 of 1908 (*Gazette* 2nd Oct., 1908, p. 11), appointing officer to whom applications shall be made at Johannesburg.

- (2) Every unregistered adult Asiatic resident outside the Colony at the commencement of this Act shall,
- If he was resident in the Transvaal for three years prior to the eleventh day of October, 1899; and

- Upon application for registration from a place in South Africa but outside the Colony within one year after the commencement of this Act, and
- Upon satisfying the Registrar of the facts mentioned in this sub-section; be entitled to obtain a certificate of registration.
- Every unregistered adult Asiatic resident outside this Colony at the commencement of this Act but who was—
- Duly authorised to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance, 1902, or any amendment thereof or issued between the first day of September, 1900, and the date of the passing of the said Ordinance (unless such permit shall have been fraudulently obtained), or
- Was resident and actually in this Colony on the thirty-first day of May, 1902;

shall be entitled, upon satisfying the Registrar of the facts set forth in paragraphs (a) or (b) of this sub-section and upon application for registration from a place in South Africa but outside the Colony, to obtain a certificate of registration.

5 In respect of every unregistered minor Asiatic born in this Colony, not being the child of a labourer introduced into this Colony under the Labour Importation Ordinance 1904, the following provisions shall apply:—

(1) If his guardian is an Asiatic, the minor's name, his age, his residence, and his relationship to his guardian shall be included in the certificate of registration of his guardian

(2) Within one month after such minor obtains the age of sixteen years he shall make application to the registrar for a certificate of registration; provided that, if he be absent from the Colony on attaining that age or one month thereafter, he may, from a place in South Africa but outside the Colony, make application to the registrar for registration, and upon satisfying the registrar that he is entitled to registration, the registrar shall issue to him a certificate of registration, and his name shall thereupon be expunged from the register of Asiatics as a minor and shall be deemed to be no longer included in his guardian's certificate of registration.

6 (1) Whenever the Registrar is satisfied that any Asiatic claiming to be entitled to registration under section *three* is not so entitled, he shall refuse to issue to him a certificate of registration, and notice of the refusal shall be sent by post to such Asiatic at the address given upon his form of application.

(2) In every case of refusal by the Registrar to issue a certificate of registration, an appeal may, within fourteen days of the date of the notice of refusal, be noted by letter addressed to the Colonial Secretary, and such appeal shall be heard by magistrate specially assigned by the Governor to hear such appeals, and such magistrate shall be deemed, when hearing any such appeal, to be an inferior court within the meaning of section *nineteen* of the Administration of Justice Proclamation, 1902.

(3) In the case of an Asiatic who is in South Africa but outside this Colony, the officer in charge of the Immigration Department shall, as soon as the date has been fixed for the hearing of such an appeal, send by post to the appellant at the address given upon his application for registration a temporary permit entitling him to enter and remain in the Colony until the appeal has been determined. If the appeal be dismissed, the said magistrate shall make an order in writing directing the appellant to be removed from the Colony, and every such order shall be deemed to be an order made under section *six* of the Immigrants Restriction Act, 1907, or any amendment thereof.

(4) In the case of an adult Asiatic in the Colony who has not within a period prescribed by sub-section (2) of this section noted an appeal or whose appeal having been noted has not been proceeded with or has been dismissed, the said magistrate shall make an order in writing directing such Asiatic to be removed from the Colony, and every such order shall be deemed to be an order made under section *six* of the Immigrants Restriction Act, 1907, or any amendment thereof.

7.* Any adult Asiatic who, after such date or dates as may be notified by the Colonial Secretary in the *Gazette*, is found within the Colony and fails, upon such demand as is mentioned in section *nine* to produce a certificate of registration of which he is the lawful holder may be arrested without warrant and brought before a resident or magistrate that he is the lawful holder of a certificate of registration or that the time within which he is required

to make application for such certificate has not expired the magistrate shall, save as in the next succeeding section is provided, make an order in writing directing him to be removed from this Colony, and every such order shall be deemed to be an order made under section *six* of the Immigrants Restriction Act, 1907, or any amendment thereof.

*See Government Notice 1172 of 1908 (*Gazette*, 20th November, 1908, p. 342) fixing date as 30th November, 1908.

8. If an adult Asiatic who has failed to make application for registration in accordance with the provisions of sub-section (1) of section *four* shall satisfy the magistrate before whom he is brought that such failure was due to some good and sufficient cause, the magistrate may, instead of making such order as aforesaid, direct such Asiatic forthwith, to make application for registration within eight days, and if such Asiatic shall comply with such direction, his application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said sub-section and all the provisions of this Act which would have applied if the application had been so made shall apply accordingly, but, if he shall fail to comply with such direction, the magistrate shall make an order for removal as aforesaid in respect of such Asiatic, and any such order shall be deemed to be an order made under section *six* of the Immigrants Restriction Act, 1907, or any amendment thereof.

Part III.

General and Miscellaneous.

9. Every Asiatic who enters or is within this Colony shall, upon demand made upon him by any European member of a police force lawfully established therein or by any other European person authorised thereto by the Colonial Secretary, produce the certificate of the registration of which he is the lawful holder, and shall also on like demand supply such particulars and furnish such means of identification as may be prescribed by regulation. Any Asiatic who fails upon lawful demand to produce such certificate shall, unless he is the lawful holder of a certificate of registration, be liable to be dealt with in manner mentioned in section *eight*.

10. (1) If at any time any certificate of registration is lost or destroyed, the person to whom it was issued shall forthwith apply to the registrar to have the same renewed, and the registrar shall, upon compliance by such person with such procedure as is prescribed by regulation and upon payment of a fee of five shillings, renew the certificate. Such fee shall be denoted by means of revenue stamps to be affixed to the application for renewal and shall be defaced by the said registrar.

(2) Any person into whose hands shall have come any such certificate shall, unless he is the person to whom it was issued, forthwith deliver or transmit the same as soon as may be to the Registrar of Asiatics, Pretoria.

11. Every certificate of registration shall be accepted as conclusive evidence in all places that the lawful holder thereof is entitled to enter and reside in this Colony, provided that this section shall not apply to persons who have, under section *five* or *six* of the Immigrants Restriction Act, 1907, or any amendment thereof, been removed from the Colony.

12. Whenever, in any prosecution or other proceedings under this Act, the age of any Asiatic is in question, such Asiatic shall unless and until the contrary be proved be taken to be of the age which the registrar shall in any certificate issued under his hand certify to be in his opinion the apparent age of such Asiatic.

13. Any affidavit or sworn declaration which is required by regulation to be made by any person who makes an application for registration shall be exempt from stamp duty.

14. (1) No Asiatic shall obtain any trading licence under the Revenue Licenses Ordinance 1905 or any amendment thereof or under any by-law or regulation in force within the jurisdiction of a local authority, unless he produce to the person appointed to issue the licence a certificate of registration of which he is the lawful holder, and either give his signature in English or supply such other or additional particulars or furnish such means of identification as the Colonial Secretary may either generally or in particular cases prescribe.

(2) Any trading licence issued under such Ordinance or under any such by-law or regulation between the tenth day of February, 1908, and the commencement of this Act to an Asiatic who made such application as is prescribed in sub-section (1) (b) of section *two* of this Act shall, notwithstanding anything in section *thirteen* of Act No. 2 of 1907, contained, be deemed to have been lawfully issued.

(3) Section *thirteen* of Act No. 2 of 1907 shall be and is hereby repealed.

15. Any person who—

(a) for the purpose of or in connection with an application for registration or for the purpose of obtaining a certificate of registration, commence any fraudulent Act, or makes any false statement or false pretence;

(b) forges or prior to the commencement of this Act has forged any document in the form set forth in the Schedule to this Act or forges any certificate of registration or utters any such document or certificate knowing the same to be forged, or

(c) uses or attempts to use a certificate of registration any such forged document or any such certificate of which he is not the lawful owner;

shall be guilty of an offence and liable to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and imprisonment, and any person who incites to, or aids or abets any other person in the commission of any such offence shall be liable to the like penalty.

16. Notwithstanding anything in the Immigrants Restriction Act, 1907, or this Act contained, the Governor may approve the issue of a permit, in the form prescribed by regulation, authorising an Asiatic to enter and remain in the Colony, for any period named in such permit, and after the expiry of such period the person in respect of whom such permit was issued shall be deemed to be a person not duly authorised to be in this Colony, and if found may be arrested without warrant and the provisions of section *six* of the Immigrants Restriction Act or any amendment thereof shall apply to such person, as if he were a person mentioned in paragraph (c) thereof.

*17. The Governor may from time to time make, alter, or rescind regulations for any of the following purposes:—

(1) Prescribing the form of the register to be kept for the purposes of this Act.

(2) Prescribing the manner and form in which application shall be made for registration, the particulars to be supplied and the means of identification to be furnished by any applicant for the purpose of or in connection with such application.

(3) Prescribing the form of certificates of registration.

(4) Prescribing the particulars to be supplied and the means of identification to be furnished

(a) By any Asiatic upon such demand as is mentioned in section *nine*;

(b) By any Asiatic applying for the renewal of any certificate of registration which has been lost or destroyed.

(5) Prescribing the procedure to be observed on or in connection with appeals to the magistrate mentioned in section *six*.

(6) Prescribing the form of permit to be issued under section *sixteen*.

(7) Generally for the better carrying out of the objects and purposes of this Act.

* For regulations see Government Notice No. 950 of 1908 (*Gazette*, 21st September, 1908, p. 1107).

18. Any Asiatic or the guardian of any Asiatic failing to comply with any requirement of this Act or of the regulations shall, except where otherwise specified, be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

19. Notwithstanding anything to the contrary in sub-section (b) of Law No. 3 of 1885 as amended by Volksraad Resolution Article 1419 of the twelfth day of August, 1886, the portion of Erf No. 373, Church Street, Pretoria, which was registered in the name of the late Aboobaker Amod, and which at the commencement of this Act was registered in the name of Henry Salomon Leon Polak, may be transferred into the name of the heirs of the said Aboobaker Amod.

*20. This Act may be cited for all purposes as the Asiatics Registration Amendment Act, 1908, and shall not come into operation unless and until the Governor shall have declared by proclamation in the *Gazette* that it is His Majesty's pleasure not to disallow the Act, and thereafter it shall come into operation on such date as the Governor shall by like proclamation declare.

*See Proc. No. 81, Admn., 1908 (*Gazette*, 18th Sept., 1908, p. 1001), notifying His Majesty's assent and proclaiming date of operation of Act as 21st September, 1908.

Schedule.

Transvaal Asiatic Registration Certificate.

Name in full	Age	Height	
Race			
Description			
<div style="border: 1px solid black; width: 100px; height: 30px; display: inline-block; vertical-align: middle;"></div>			Registrar of Asiatics.
			Date of Issue
			Holder's Signature
Name of Wife	Residence		
SONS AND MALE WARDS under the age of 16 years			
Names	Age.	Residence.	Relationship to Guardian.

No alterations or endorsements are to be made on the face of this certificate except by the Registrar of Asiatics.

Regulations under the Asiatic Act.

Government Notice No. 950 of 1908 contains the following "regulations for purposes of the Asiatics Registration Amendment Act, 1908."

1 In these regulations, unless inconsistent with the content,

"The Act" shall mean the Asiatics Registration Amendment Act, 1908;

"Applicant" shall mean any person who makes application for registration;

"Area" shall mean a magisterial district, or if the Colonial Secretary shall hereafter, by notice in the *Gazette*, appoint any other area under sub-section (1) of section four of the Act, then such other area;

"Police Officer" shall mean any European member of a police force lawfully established in this Colony;

"Magistrate" shall mean a resident or assistant resident magistrate; and

any term defined for the purposes of the Act by section one thereof shall, when used in these regulations, have the same meaning as is assigned to it for the purposes of the Act

2. The form of the register of the Asiatics shall be that set forth in the first Annexure hereto

3. The form of application for registration shall be that set forth in the Second Annexure hereto.

4. (a) Every Asiatic who claims to be entitled to registration shall, if he was resident in the Transvaal on the twenty-first day of September, 1908, appear before any person whom and before the date which the Colonial Secretary may by notice in the *Gazette* appoint, and shall furnish such person with the particulars required by the form of application set forth in the Second Annexure hereto, provided that the Registrar may in his discretion accept, in lieu of such particulars, the signature of the applicant if accompanied by his thumb impressions, or such thumb impressions only. The applicant shall further produce to the person appointed as aforesaid

(1) any permit to enter and reside in the Transvaal issued to him under the provisions of the Indemnity and Peace Preservation Ordinance of 1902, or any amendment thereof,

(2) any certificate of registration or receipt for payment of the fee prescribed for registration under the provisions of Law No 3 of 1885 or any amendment thereof;

(3) any other document in his possession which he may desire to produce in support of his application for registration;

(4) Any documentary evidence he may possess showing that he is the father or guardian of any minor Asiatic resident in South Africa whose name he desires or is required to have noted on his certificate of registration, and shall furnish the full name of such minor, his age, and birthplace, the date on which he entered the Transvaal if born elsewhere and his relationship to the guardian.

(b) Every Asiatic who claims to be entitled to registration shall, if he was resident outside the Transvaal on the twenty-first day of September, 1908, make written request from some place outside the Transvaal, but in South Africa, to the Registrar for a form of application for registration, and the Registrar shall thereupon transmit such form as to the claimant at the address furnished by him in his request, and instruct him to complete the form and return it as soon as may be to the Registrar, together with a full statement of his claim to registration, and any such documents in his possession as are described in paragraphs (1), (2), (3) and (4) of sub-section (a) of this regulation.

(c) Every unregistered minor Asiatic who was residing in the Transvaal on the twenty-first day of September, 1908, or who was born in any part of South Africa which was at the date of his birth within the boundaries of the Transvaal may claim that he is entitled to registration if within one month after he attains the age of sixteen years he complies with the provisions of sub-section (a) or sub-section (b) of this regulation, as the case may be; provided that if he be absent from the Transvaal on attaining the age of sixteen years, he may subsequently from some place in South Africa, but outside the Transvaal, make application for registration in accordance with the provisions of the said sub-section (b).

5. A certificate of registration which may be issued under the Act shall be in the form set forth in the fifth Annexure hereto.

6. The Registrar may retain, until an application for registration has been disposed of, any document produced by the applicant for the purposes thereof, and if any such document will, in his opinion, furnish evidence as to the commission by the applicant or any other person of any crime or offence he shall retain such document unless authorised by the Attorney-General to hand it over to any person or until he has produced it under subpoena or other order of a court of law.

7. Every person appointed as aforesaid to receive applications for registration shall as soon as possible after the form of application in respect of any applicant is completed, issue to the applicant a written acknowledgment under his hand of the receipt of the application and of the documents produced in support thereof. Such acknowledgment shall be in duplicate and in the form set forth in the Third Annexure hereto, and the duplicate thereof shall forthwith be transmitted to the Registrar by the person so appointed, together with the form of application and any documents produced in support thereof.

8. If, under sub-section (1) of section six of the Act, the Registrar refuses to register any Asiatic applying for registration, he shall send to the applicant a notice of refusal in accordance with the said sub-section, and such notice shall be in the form set forth in the Fourth Annexure hereto.

9. Every Asiatic required by the European police officer or by any European person duly authorised thereto by the Colonial Secretary to produce the certificate of registration of which he is the lawful holder, shall, in addition to producing such certificate, supply on the demand of such police officer or other person aforesaid, the following particulars:

(1) His name in full.

(2) His present residence, and shall furnish to and in the presence of such police officer or other person aforesaid,

(a) if he produces a certificate of registration, a specimen of his signature and the impressions of his thumbs; or

(b) if he fails to produce a certificate of registration, a specimen of his signature, and the impressions of his thumbs and fingers.

10. Any Asiatic applying under the Act for the renewal of a certificate of registration which has been lost or destroyed shall supply to the Registrar the following particulars:—

(1) The number of such registration certificate;

(2) his full name;

(3) his present residence;

and shall furnish to and in the presence of the Registrar, or such other person as the Registrar may for the purpose appoint,

(4) the same means of identification as were employed when he made application for registration;

(5) a sworn statement that he was the lawful holder of a certificate of registration which has been lost or destroyed, and that he has not, under sections five or six of the Immigrants Restriction Act, 1907, been removed from the Transvaal;

provided that such applicant shall not be entitled to receive a renewal of a lost or destroyed certificate unless he impress or write (as the case may be) on the new certificate the same means of identification as he impressed or wrote upon the lost or destroyed certificate.

11. Every Asiatic applying for any trading licence issued under the Revenue Licences Ordinance, 1905, or any amendment thereof, or under any by-law in force in a Municipality shall, in addition to producing to the person appointed to issue such licence the certificate of registration of which he is the lawful holder, furnish to and in the presence of such person such means of identification as the Colonial Secretary may have prescribed in respect of such Asiatic under the provisions of sub-section (1), section fourteen of the Act.

12. The permit to enter and remain in the Colony for a limited period mentioned in section sixteen of the Act shall be in the form set forth in the Sixth Annexure hereto.

13. Any person who shall fail to comply with any provision of these regulations shall be liable on conviction to a fine not exceeding one hundred pounds, or, in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

The Annexures:

The First Annexure is a copy of the Register of Asiatics which requires the following particulars:—Registration certificate number, name, race, caste or sect, particulars of family residing in the Transvaal, name of wife or wives, and the sons or male wards under 16 years.

The Second Annexure is a copy of the application form. This requires the name in full, race, caste or sect, age, height, residence, occupation, physical description, place of birth, date of first arrival in the Transvaal, date of last return to the Transvaal, where resident on the 31st May, 1902, father's name, wife's name and place of residence, and the applicant is asked to state whether he has ever been removed from the Transvaal under sections five or six of the Immigrants Restriction Act, 1907. The names, ages, residence and relationship of sons and male wards under the age of 16 years is also required. Besides the signature, provision is made for ten finger impressions and simultaneous impressions of the four fingers of both hands.

The Third Annexure is a copy of the acknowledgment of receipt of application.

The Fourth Annexure is a copy of the notice of refusal of application.

The Fifth Annexure is a copy of the registration certificate, which requires: Name in full, race, age, height, description, name of wife and her residence, the holder's signature, and his right thumb impression. The names of the sons and male wards under the age of 16 years, with the ages, place of residence and relationship is also required.

The Sixth Annexure is a copy of the temporary permit granted by the Governor-in-Council and requires the following particulars:—Race, caste or sect, place of birth, age, height, residence, town or place in Transvaal to which proceeding, and physical description. In this case the signature only is required.—Ed I O.

Transvaal Railway Regulations.

So far as the Transvaal is concerned, Regulations 221-224 are cancelled, and the following Regulations are substituted therefor, viz.:—

221 It shall be lawful for the General Manager, where practicable, to set apart different compartments on trains for passengers of different races, and the passengers for whom the compartments are so reserved shall travel only in such compartments and no other, nor will any other compartment be considered as available. Such compartments shall be marked "Reserved."

222 It shall be competent for the guard or the conductor or any other railway official to remove passengers from one compartment to another without giving any reason therefor.

223. It shall be competent for the station master or other authorised official to refuse a first or second class ticket to any passenger who may, in his opinion, not be dressed in a decent or cleanly condition.

224 The penalty provided in Section 42 of the Act will apply to any contravention of Regulations 221 to 223 inclusive.

Dealers' Licenses

[No. 18, 1897.]

ACT,

"To amend the Law relating to Licenses to Wholesale and Retail Dealers"

WHEREAS it is expedient to regulate and control the issue of Licenses to wholesale and retail dealers not being Licenses under Act No. 38 of 1896:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

The Annual Licenses mentioned in Sub-section (a) of Section 19 of Law No. 19, 1872, shall include Licenses to

2. For the purposes of this Act the expression "retail dealers" and "retail Licenses" shall be deemed to apply to retail dealers and retail Licenses of every description, not being Licenses under Act No. 38 of 1896, including hawkers and Licenses to hawkers

3. Any Town Council or Town Board may, from time to time, appoint an officer to issue the Annual Licenses (not being Licenses under Act No. 38, 1896), required in the Borough or Township by wholesale or retail dealers.

4. Any person appointed to issue Licenses for wholesale or retail dealers under Law No. 38, 1884, or any like Stamp Act, or under this Act, shall be deemed to be a "Licensing Officer" within the meaning of this Act.

5. A Licensing Officer shall have a discretion to issue or refuse a wholesale or retail License, not being a License under Act No. 38, 1896, and a decision come to by a Licensing Officer as to the issue or refusal of a License shall not be liable to review, reversal, or alteration, by any Court of Law, or otherwise than is in the next section provided.

6. There shall be a right of appeal by the applicant, or any other person having an interest in the question, from the decision of the Licensing Officer to the Town Council or the Town Board, if the License is sought for in a Borough or Township, or to the Licensing Board of the Division appointed under the Liquor Act, 1896, if the License is sought for elsewhere than in the Borough or Township and the Town Council, Town Board, or Licensing Board, as the case may be, may direct that the License, the subject of appeal, shall be issued or cancelled.

7. No License shall be issued to any person who, when thereto required, fails to show to the satisfaction of the Licensing Officer or to the Town Council, Town Board, or Licensing Board, as the case may be, that he is able to fulfil the conditions of the Insolvency Law No. 47, 1887, Section 180, Sub-section (a), as regards the keeping of such books of account in the English language as are usual and proper in the business to be carried on.

8. No License shall be issued in respect of premises which are unfit for the intended trade, or unprovided with proper and sufficient sanitary arrangements, or not affording sufficient and suitable accommodation for salesmen, clerks, and servants, apart from the stores or rooms in which goods and wares may be kept in cases where premises are used for both purposes

9. Any person who shall carry on any wholesale or retail trade or business without a License, or who shall allow licensed premises to be in a condition which would disentitle him to a License, shall be deemed to have contravened this Act, and shall be liable to a penalty not exceeding Twenty Pounds Sterling for each offence, to be recovered in the Court of the Magistrate by the Clerk of the Peace, or if the contravention is within a Borough or Township, by an officer appointed by the Town Council or Town Board.

10 All penalties recovered under the foregoing section in respect of a business or premises within a statutory Borough or Township shall be paid to the funds of such Borough or Township.

11 Rules may be passed by the Governor-in-Council to regulate appeals from the Licensing Officer to the Board or Council having appellate jurisdiction.

Given at Government House, Natal, this Twenty-ninth day of May, 1897.

By command of His Excellency the Governor,

THOS. K. MURRAY,
Colonial Secretary

NOTE.—The principle underlying the Cape General Dealers Licence Act of 1906 is similar to that of the Natal Act, ousting the jurisdiction of the Supreme Court. In Natal, Act 22 of 1909 provides for an appeal to the Supreme Court against a refusal to renew an existing trading licence.—Ed. I.O.)

ACT TO AMEND THE INDIAN IMMIGRATION LAW, 1891.

[No. 1, 1900]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

2. It shall be lawful for the Protector of Indian Immigrants, or in his absence the Assistant Protector of Indian Immigrants, or any Magistrate, to cause any Indian immigrant who shall have made his complaint as provided in Section 30 of Law No. 25, 1891, to be taken back to his employer by a messenger, and the cost of such messenger shall in the first instance be paid by the employer, and shall be borne by the employer unless the Protector, Assistant Protector, or Magistrate shall be of opinion that the

Schedule.

Transvaal Asiatic Registration Certificate.

Name in full	Age	Height	
Race			
Description			
			Registrar of Asiatics
			Date of Issue
			Holder's Signature
			Signature
Name of Wife	Age	Residence	
SONS AND MALE WARDS under the age of 16 years.			
Names.	Age	Residence.	Relationship to Guardian.

No alterations or endorsements are to be made on the face of this certificate except by the Registrar of Asiatics.

Regulations under the Asiatic Act.

Government Notice No 950 of 1908 contains the following "regulations for purposes of the Asiatics Registration Amendment Act, 1908"

1 In these regulations, unless inconsistent with the content,

"The Act" shall mean the Asiatics Registration Amendment Act, 1908;

"Applicant" shall mean any person who makes application for registration;

"Area" shall mean a magisterial district, or if the Colonial Secretary shall hereafter, by notice in the *Gazette*, appoint any other area under sub-section (1) of section four of the Act, then such other area;

"Police Officer" shall mean any European member of a police force lawfully established in this Colony,

"Magistrate" shall mean a resident or assistant resident magistrate; and

any term defined for the purposes of the Act by section one thereof shall, when used in these regulations, have the same meaning as is assigned to it for the purposes of the Act

2. The form of the register of the Asiatics shall be that set forth in the first Annexure hereto

3. The form of application for registration shall be that set forth in the Second Annexure hereto

4 (a) Every Asiatic who claims to be entitled to registration shall, if he was resident in the Transvaal on the twenty-first day of September, 1908, appear before any person whom and before the date which the Colonial Secretary may by notice in the *Gazette* appoint, and shall furnish such person with the particulars required by the form of application set forth in the Second Annexure hereto; provided that the Registrar may in his discretion accept, in lieu of such particulars, the signature of the applicant if accompanied by his thumb impressions, or such thumb impressions only. The applicant shall further produce to the person appointed as aforesaid

(1) any permit to enter and reside in the Transvaal issued to him under the provisions of the Indemnity and Peace Preservation Ordinance of 1902, or any amendment thereof;

(2) any certificate of registration or receipt for payment of the fee prescribed for registration under the provisions of Law No. 3 of 1885 or any amendment thereof;

(3) any other document in his possession which he may desire to produce in support of his application for registration,

(4) Any documentary evidence he may possess showing that he is the father or guardian of any minor Asiatic resident in South Africa whose name he desires or is required to have noted on his certificate of registration, and shall furnish the full name of such minor, his age, and birthplace, the date on which he entered the Transvaal if born elsewhere and his relationship to the guardian.

(b) Every Asiatic who claims to be entitled to registration shall, if he was resident outside the Transvaal on the twenty-first day of September, 1908, make written request from some place outside the Transvaal, but in South Africa, to the Registrar for a form of application for registration, and the Registrar shall thereupon transmit such form as to the claimant at the address furnished by him in his request, and instruct him to complete the form and return it as soon as may be to the Registrar, together with a full statement of his claim to registration, and any such documents in his possession as are described in paragraphs (1), (2), (3) and (4) of sub-section (a) of this regulation.

(c) Every unregistered minor Asiatic who was residing in the Transvaal on the twenty-first day of September, 1908, or who was born in any part of South Africa which was at the date of his birth within the boundaries of the Transvaal may claim that he is entitled to registration if within one month after he attains the age of sixteen years he complies with the provisions of sub-section (a) or sub-section (b) of this regulation, as the case may be; provided that if he be absent from the Transvaal on attaining the age of sixteen years, he may subsequently from some place in South Africa, but outside the Transvaal, make application for registration in accordance with the provisions of the said sub-section (b).

5. A certificate of registration which may be issued under the Act shall be in the form set forth in the fifth Annexure hereto.

6. The Registrar may retain, until an application for registration has been disposed of, any document produced by the applicant for the purposes thereof, and if any such document will, in his opinion, furnish evidence as to the commission by the applicant or any other person of any crime or offence he shall retain such document unless authorised by the Attorney-General to hand it over to any person or until he has produced it under subpoena or other order of a court of law.

7. Every person appointed as aforesaid to receive applications for registration shall as soon as possible after the form of application in respect of any applicant is completed, issue to the applicant a written acknowledgment under his hand of the receipt of the application and of the documents produced in support thereof. Such acknowledgment shall be in duplicate and in the form set forth in the Third Annexure hereto, and the duplicate thereof shall forthwith be transmitted to the Registrar by the person so appointed, together with the form of application and any documents produced in support thereof.

8 If, under sub-section (1) of section six of the Act, the Registrar refuses to register any Asiatic applying for registration, he shall send to the applicant a notice of refusal in accordance with the said sub-section, and such notice shall be in the form set forth in the Fourth Annexure hereto

9. Every Asiatic required by the European police officer or by any European person duly authorised thereto by the Colonial Secretary to produce the certificate of registration of which he is the lawful holder, shall, in addition to producing such certificate, supply on the demand of such police officer or other person aforesaid, the following particulars:

(1) His name in full.

(2) His present residence, and shall furnish to and in the presence of such police officer or other person aforesaid,

(a) if he produces a certificate of registration, a specimen of his signature and the impressions of his thumbs; or

(b) if he fails to produce a certificate of registration, a specimen of his signature, and the impressions of his thumbs and fingers.

10 Any Asiatic applying under the Act for the renewal of a certificate of registration which has been lost or destroyed shall supply to the Registrar the following particulars:—

(1) The number of such registration certificate;

(2) his full name;

(3) his present residence;

and shall furnish to and in the presence of the Registrar, or such other person as the Registrar may for the purpose appoint,

(4) the same means of identification as were employed when he made application for registration;

(5) a sworn statement that he was the lawful holder of a certificate of registration which has been lost or destroyed, and that he has not, under sections five or six of the Immigrants Restriction Act, 1907, been removed from the Transvaal;

provided that such applicant shall not be entitled to receive a renewal of a lost or destroyed certificate unless he impress or write (as the case may be) on the new certificate the same means of identification as he impressed or wrote upon the lost or destroyed certificate.

11. Every Asiatic applying for any trading licence issued under the Revenue Licences Ordinance, 1905, or any amendment thereof, or under any by-law in force in a Municipality shall, in addition to producing to the person appointed to issue such licence the certificate of registration of which he is the lawful holder, furnish to and in the presence of such person such means of identification as the Colonial Secretary may have prescribed in respect of such Asiatic under the provisions of sub-section (1), section fourteen of the Act.

12. The permit to enter and remain in the Colony for a limited period mentioned in section *sixteen* of the Act shall be in the form set forth in the Sixth Annexure hereto.

13. Any person who shall fail to comply with any provision of these regulations shall be liable on conviction to a fine not exceeding one hundred pounds, or, in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

The Annexures:

The First Annexure is a copy of the Register of Asiatics which requires the following particulars.—Registration certificate number, name, race, caste or sect, particulars of family residing in the Transvaal, name of wife or wives, and the sons or male wards under 16 years.

The Second Annexure is a copy of the application form. This requires the name in full, race, caste or sect, age, height, residence, occupation, physical description, place of birth, date of first arrival in the Transvaal, date of last return to the Transvaal, where resident on the 31st May, 1902, father's name, wife's name and place of residence, and the applicant is asked to state whether he has ever been removed from the Transvaal under sections *five* or *six* of the Immigrants Restriction Act, 1907. The names, ages, residence and relationship of sons and male wards under the age of 16 years is also required. Besides the signature, provision is made for ten finger impressions and simultaneous impressions of the four fingers of both hands.

The Third Annexure is a copy of the acknowledgment of receipt of application.

The Fourth Annexure is a copy of the notice of refusal of application.

The Fifth Annexure is a copy of the registration certificate, which requires—Name in full, race, age, height, description, name of wife and her residence, the holder's signature, and his right thumb impression. The names of the sons and male wards under the age of 16 years, with the ages, place of residence and relationship is also required.

The Sixth Annexure is a copy of the temporary permit granted by the Governor-in-Council and requires the following particulars:—Race, caste or sect, place of birth, age, height, residence, town or place in Transvaal to which proceeding, and physical description. In this case the signature only is required.—Ed I.O.

Transvaal Railway Regulations.

So far as the Transvaal is concerned, Regulations 221-224 are cancelled, and the following Regulations are substituted therefor, viz.:—

221. It shall be lawful for the General Manager, where practicable, to set apart different compartments on trains for passengers of different races, and the passengers for whom the compartments are so reserved shall travel only in such compartments and no other, nor will any other compartment be considered as available. Such compartments shall be marked "Reserved."

222. It shall be competent for the guard or the conductor or any other railway official to remove passengers from one compartment to another without giving any reason therefor.

223. It shall be competent for the station master or other authorised official to refuse a first or second class ticket to any passenger who may, in his opinion, not be dressed in a decent or cleanly condition.

224. The penalty provided in Section 42 of the Act will apply to any contravention of Regulations 221 to 223 inclusive.

Dealers' Licenses

[No. 18, 1897.]

ACT,

"To amend the Law relating to Licenses to Wholesale and Retail Dealers"

WHEREAS it is expedient to regulate and control the issue of Licenses to wholesale and retail dealers not being Licenses under Act No. 38 of 1896:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

The Annual Licenses mentioned in Sub-section (a) of Section 30 of Law No. 19, 1872, shall include Licenses to

2. For the purposes of this Act the expression "retail dealers" and "retail Licenses" shall be deemed to apply to retail dealers and retail Licenses of every description, not being Licenses under Act No. 38 of 1896, including hawkers and Licenses to hawkers.

3. Any Town Council or Town Board may, from time to time, appoint an officer to issue the Annual Licenses (not being Licenses under Act No. 38, 1896), required in the Borough or Township by wholesale or retail dealers.

4. Any person appointed to issue Licenses for wholesale or retail dealers under Law No. 38, 1884, or any like Stamp Act, or under this Act, shall be deemed to be a "Licensing Officer" within the meaning of this Act.

5. A Licensing Officer shall have a discretion to issue or refuse a wholesale or retail License, not being a License under Act No. 38, 1896, and a decision come to by a Licensing Officer as to the issue or refusal of a License shall not be liable to review, reversal, or alteration, by any Court of Law, or otherwise than is in the next section provided.

6. There shall be a right of appeal by the applicant, or any other person having an interest in the question, from the decision of the Licensing Officer to the Town Council or the Town Board, if the License is sought for in a Borough or Township, or to the Licensing Board of the Division appointed under the Liquor Act, 1896, if the License is sought for elsewhere than in the Borough or Township and the Town Council, Town Board, or Licensing Board, as the case may be, may direct that the License, the subject of appeal, shall be issued or cancelled.

7. No License shall be issued to any person who, when thereto required, fails to show to the satisfaction of the Licensing Officer or to the Town Council, Town Board, or Licensing Board, as the case may be, that he is able to fulfil the conditions of the Insolvency Law No. 47, 1887, Section 180, Sub-section (a) as regards the keeping of such books of account in the English language as are usual and proper in the business to be carried on.

8. No License shall be issued in respect of premises which are unfit for the intended trade, or unprovided with proper and sufficient sanitary arrangements, or not affording sufficient and suitable accommodation for salesmen, clerks, and servants, apart from the stores or rooms in which goods and wares may be kept in cases where premises are used for both purposes.

9. Any person who shall carry on any wholesale or retail trade or business without a License, or who shall allow licensed premises to be in a condition which would disentitle him to a License, shall be deemed to have contravened this Act, and shall be liable to a penalty not exceeding Twenty Pounds Sterling for each offence, to be recovered in the Court of the Magistrate by the Clerk of the Peace, or if the contravention is within a Borough or Township, by an officer appointed by the Town Council or Town Board.

10. All penalties recovered under the foregoing section in respect of a business or premises within a statutory Borough or Township shall be paid to the funds of such Borough or Township.

11. Rules may be passed by the Governor-in-Council to regulate appeals from the Licensing Officer to the Board or Council having appellate jurisdiction.

Given at Government House, Natal, this Twenty-ninth day of May, 1897.

By command of His Excellency the Governor,
THOS. K. MURRAY,
Colonial Secretary.

NOTE.—The principle underlying the Cape General Dealers License Act of 1906 is similar to that of the Natal Act, ousting the jurisdiction of the Supreme Court. In Natal, Act 22 of 1909 provides for an appeal to the Supreme Court against a refusal to renew an existing trading licence.—Ed. I.O.).

ACT TO AMEND THE INDIAN IMMIGRATION LAW, 1891.

[No. 1, 1900.]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

2. It shall be lawful for the Protector of Indian Immigrants, or in his absence the Assistant Protector of Indian Immigrants, or any Magistrate, to cause any Indian immigrant who shall have made his complaint as provided in Section 30 of Law No. 25, 1891, to be taken back to his employer by a messenger, and the cost of such messenger shall in the first instance be paid by the employer, and shall be borne by the employer unless the Protector, Assistant Protector, or Magistrate shall be of opinion that the

complaint made was frivolous and unfounded, or otherwise that the Indian immigrant was not justified in leaving his employer's premises without permission, and shall then so inform the employer, in which case the employer is hereby authorised to deduct from the wages of the Indian immigrant the cost incurred in providing for his safe return to his employer; as provided in Section 30 of Law No. 25, 1891; and, further, the Indian immigrant shall be liable in such case to be punished for illegal absence, as provided in Section 35 of the said Law No. 25, 1891.

3. Should any Indian immigrant decline to return to his employer when so directed, as provided in the preceding section, he shall be deemed guilty of contravening Section 31 of Law No. 25, 1891, and shall be dealt with accordingly, and every subsequent refusal shall render him liable to further punishment under the same section.

4. This Act shall be read and construed together as one Act with the said Law No. 25, 1891, and with any other Law or Act amending the same.

NOTE.—A later Act imposes the £3 Tax upon boys over 16 years of age, and girls over 13 years of age—Ed. I O

Immigration Restriction.

ACT,

"To place closer restrictions on Immigration."

WHEREAS it is expedient to place closer restrictions on immigration into the Colony, and to provide for the removal from the Colony of prohibited immigrants:

BE IT THEREFORE enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

PART I.

1. This Act shall be known as the "Immigration Restriction Act, 1903."

2. Act No. 1, of 1897, known as the "Immigration Restriction Act, 1897," is hereby repealed.

3. The repeal of the said Act No. 1 of 1897, shall be without prejudice to anything done or suffered or any order given or liability incurred thereunder or to any penalty or punishment imposed in respect of any offence under the said Act or to any legal proceedings commenced in respect of any matter under the said Act, and any such legal proceedings may be carried on as if this Act had not been passed. Any regulations made under Act No. 1 of 1897 shall, save so far as they may be inconsistent with this Act, remain in force until revoked by regulations made under this Act.

4. This Act shall not apply to:—

- (a) Any person possessed of a certificate in the form set out in Schedule A of this Act, and signed by the Minister having charge of the administration of this Act (hereinafter referred to as the Minister) or by the Agent-General of Natal, or any officer appointed by the Natal Government for the purpose of this Act whether in or out of Natal.
- (b) Any person of a class for whose immigration into Natal provision is made by Law or by a scheme approved by Government.
- (c) The officers and crew of any vessel of His Majesty's Fleet or of the Fleet of any friendly Power.
- (d) Any member of His Majesty's Military forces.
- (e) Any person duly accredited to Natal by or under the authority of the Imperial or any other Government.
- (f) Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of any of the Sub-sections (c), (d), (e), (f), (g) of Section 5 of this Act.
- (g) The wife, and any child appearing to the Immigration Restriction Officer to be under the age of 16 years, of a person not being a prohibited immigrant, except subject to Sub-sections (c), (d), (e), (f), (g) of Section 5 of this Act.

5. The immigration into Natal, by land or sea, of any person being or appearing to be of any of the classes defined by the following sub-sections, hereinafter called "prohibited immigrant," is prohibited, namely:—

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

(b) Any person without visible means of support or any person who is likely to become a pauper or a public charge.

(c) Any idiot or insane person.

(d) Any person suffering from a loathsome or dangerous contagious disease.

(e) Any person who, not having received a free pardon, has been convicted in any country of treason, murder, or any crime for which a sentence of imprisonment has been passed for any term, and who, by reason of the circumstances connected therewith, is deemed to be an undesirable immigrant.

(f) Any prostitute, and any person living on or receiving, or who may have lived on or received, any part of the proceeds of the prostitution of others.

(g) Any person deemed by the Minister to be an undesirable immigrant in consequence of information or advice received from any Secretary of State or Colonial Minister, or through diplomatic channels or any Minister of a Foreign Country or from any other trusted source.

PART II.

6. Any police officer, or other officer appointed under this Act may, subject to the exceptions hereinafter contained, prevent any prohibited immigrant from entering Natal by land or sea.

7. Any prohibited immigrant making his way into, or being found within, Natal, in disregard of the provisions of this Act, shall be deemed to have contravened this Act. Any person convicted under this section may, in addition to liability to removal or otherwise, be imprisoned with or without hard labour for any term not exceeding six months: Provided that such imprisonment shall cease if and when arrangements are made for the deportation of the offender from the Colony.

8. No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Act, or allowed to be or remain in the Colony, merely because he has not been notified not to land, or because he may have been allowed to land through oversight or through want of knowledge that he was a prohibited immigrant. Proof adduced within twelve months after any person has entered the Colony that he is of any of the classes whose entry is prohibited, shall be sufficient evidence that such person was a prohibited immigrant, and such person shall be liable to be then dealt with as a prohibited immigrant.

9. If there shall be reasonable cause to suspect that any person has contravened this Act, and if in order to prevent justice from being defeated, it is necessary to arrest such person immediately, it shall be lawful for any Immigration Restriction or Police Officer to arrest such person forthwith, without having a warrant for that purpose, and he shall be required to bring such person before a Magistrate as soon as may be, or should the ship from which such person landed be on the point of departure, then such person may be handed over to the custody of the Master of the ship, who shall be obliged to receive and keep him on board.

10. Any person appearing to be a prohibited immigrant within the meaning of Section 5 of this Act, and not coming within the meaning of any of the Sub-sections (c), (d), (e), (f), (g) of the said Section 5, may be allowed to enter Natal upon the following conditions:—

- (a) He shall, before landing, himself deposit with an officer appointed under this Act the sum of One Hundred Pounds Sterling.
- (b) If such person shall, within one week after entering Natal, obtain from the Minister or a Magistrate a certificate that he does not come within the prohibition of this Act, the deposit of One Hundred Pounds Sterling shall be returned.
- (c) If such person shall fail to obtain such certificate within one week, the deposit of One Hundred Pounds Sterling may be forfeited and he may be treated as a prohibited immigrant.

In case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the Colony.

11. A prohibited immigrant shall not be entitled to a licence to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess in any borough or on the roll of any township; and in the license or franchise right which may have been a condition as the contravention of this Act shall be void in respect of such

12. The Government may authorise the Principal Immigration Restriction Officer to make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel.

13. Any person who shall be instrumental in bringing into Natal any idiot or insane person without a written or printed authority, signed by the Minister, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony.

14. Any officer for the purposes of this Act shall be empowered to board as often as may be necessary all ships entering inward at any port of the Colony in the performance of his duties under this Act.

15. The Master of a ship arriving at Natal shall, upon being thereto requested by the Immigration Restriction Officer of the Port, furnish to him a list, in duplicate, signed by himself, of all passengers and other persons then on board not forming a portion of the regular crew of the vessel.

16. A Master shall also, if required thereto prior to his departure from Port, produce his Articles and muster his crew, and if it be found that any person named on the Articles, and who, in the opinion of the Immigration Restriction Officer, would be a prohibited immigrant, is not then present, such person shall be deemed to have entered the Colony contrary to this Act, but the Master and Agents of the ship, provided they have made proper provision for police protection, shall not be responsible for any contravention of the provisions of this section.

17. If the Immigration Restriction Officer shall declare to the Master of a ship arriving at the Port that there are persons on board who belong to the class of prohibited immigrants, and should the Master thereupon represent that for the better security against infringement of the Act it is desirable that such prohibited immigrants should be kept in some other place during the ship's stay in Port, the Immigration Restriction Officer may, in such case, should he think fit, cause such prohibited immigrants to be removed in proper custody from the ship to, and be detained in, any place on shore, or any hulk or craft in the Bay, which may be set apart by the Government for the purpose. Such prohibited immigrants shall be returned to the ship when she is about to sail, of which due notice shall be given by the Master to the Immigration Restriction Officer. The cost of the landing or removal, detention, maintenance and control of the prohibited immigrants, so temporarily removed from the ship, and all contingent expenses, shall be borne by the Master of the ship, who shall be solely responsible for the proper rationing of the prohibited immigrants so removed, and for providing them with bedding and other necessaries requisite to maintain them in the place of detention in the degree of comfort which they would have enjoyed had they not been removed from the ship, or to which they might be entitled under any contract or agreement subsisting between such prohibited immigrants and the Master or owners of the ship. The Immigration Restriction Officer may, before assuming the custody of any prohibited immigrant, require the Master and owners or agents of the ship, to deposit with him or give a sufficient guarantee of a sum sufficient to defray any expenses that may be incurred by the Government in connection therewith.

18. If any prohibited immigrant shall escape from the place of detention contemplated by the next preceding section, or from any lawful custody in going thereto or returning therefrom, he may be taken by any officer of police and brought back, and shall also be liable to punishment for contravention of Section 7 of this Act.

19. Should the Master of a ship charge any member of his crew, or stowaway, or extra hand before a local Court with a crime or offence committed, at some time prior to arrival, or during his vessel's stay in Port, the Magistrate may, at the request of the Immigration Restriction Officer, and on representation by the Immigration Restriction Officer that the accused is a prohibited immigrant, in awarding punishment, order that, on expiry of the sentence, or on the sooner readiness of his vessel to proceed to sea, the prisoner be taken from gaol and conducted in custody aboard his ship or conveyance away from the Colony. Any person contemplated by this section, brought before a Magistrate and discharged, shall be ordered by the Magistrate to be immediately conveyed back to his ship. An

deemed necessary for the intercourse

from the shore with any vessel at the Port having on board any prohibited immigrant, the Principal Immigration Restriction Officer may take such steps, with the approval of the Minister, as may appear proper in that behalf.

21. The Master and owner of any ship from which any prohibited immigrant may be landed or may land shall be liable jointly and severally to a penalty of One Hundred Pounds Sterling (which said sum may be reduced to any sum not less than Twenty-five Pounds Sterling) in respect of each such prohibited immigrant landed or who may land, and the vessel may be refused a clearance outward until any penalty incurred has been paid, and until provision has been made by the Master to the satisfaction of the Immigration Restriction Officer for the conveyance out of the Colony of each prohibited immigrant, who may have been so landed, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any penalty imposed under this section.

The word "clearance" as used in this Act includes all the documents ordinarily issued by the Collector of Customs to a ship about to leave Port, including the document known as the Bill of Health.

PART III.

22. Any person being a prohibited immigrant within the meaning of this Act may apply to the Immigration Restriction Officer, or other officer thereto appointed, for a pass to enter Natal for a temporary visit or for the purpose of embarking at the Port for some other country. Such passes shall be known as Visiting Passes and Embarkation Passes respectively, and shall be in the forms prescribed by the Regulations made under this Act. The words "the Port" mean any port in Natal.

23. The applicant shall attend before such officer and shall answer all such questions as the officer may put in order to satisfy himself that the pass ought to be granted, and shall deposit with him the appointed sum of money, that is to say—

For a Visiting Pass the sum of Ten Pounds Sterling, together with an additional sum of Ten Pounds Sterling where the pass includes the wife and children of the applicant

For an Embarkation Pass the sum of Ten Pounds Sterling for each adult, and Five Pounds for each child.

The word child, as used in this and the succeeding sections means a person appearing to the officer to be under the age of sixteen years.

24. Except in the case of a person accompanied by his wife and children a separate pass shall be required for each person seeking to enter Natal for the purpose of a visit or for embarking.

25. No person shall be entitled of right to obtain a Visiting Pass or an Embarkation Pass, and the officer appointed to issue such passes shall have the discretion to grant or refuse any such pass, subject, however, to any direction which may be given him by the Principal Immigration Restriction Officer or by the Minister.

26. A Visiting Pass shall be a sufficient authority for the person or persons named therein to enter the Colony of Natal and to remain there during the period, stated in the pass. Such period shall not exceed twenty-one days, but any officer appointed under the Act may, for sufficient reason appearing, extend the period from time to time by an endorsement on the pass. No extension shall be made for more than fourteen days at a time, and no such pass may be extended beyond six weeks from the date of the pass, except with the consent of the Minister.

27. The money deposited for a Visiting Pass shall be returned to the depositor upon the passholder quitting the Colony within the time named in the pass or any extension thereof.

28. An Embarkation Pass shall be a sufficient authority for the person or persons named therein to enter Natal and to proceed with all reasonable speed to the Port for the purpose of embarking by the first available opportunity for the destination stated in the pass.

29. An Embarkation Pass shall not be extended except by the Principal Immigration Restriction Officer for sufficient cause to him appearing.

30. The money deposited for an Embarkation Pass shall be at once transmitted to the Principal Immigration Restriction Officer at the Port, to be by him applied, on the application of the person to whom it was granted, and so far as the sum deposited shall suffice for the purpose, in obtaining a passage for the person or persons named in the specified place or destination. Any balance of the money deposited shall be returned to the depositor upon the sailing of the ship, or may, in the discretion of the officer, be expended in any other necessary or proper manner by desire of the depositor.

31. Any person being a prohibited immigrant within the meaning of the Act, who shall enter Natal in pursuance of a Visiting Pass or an Embarkation Pass, and who shall remain in Natal beyond the time allowed by such pass, or by a lawful endorsement thereof, or who may misuse the pass, or allow any fraudulent use to be made of it, shall be deemed to have contravened this Act, and shall, upon conviction, suffer forfeiture of the amount deposited by him, and render himself liable to the punishment prescribed by Section 7 of the Act.

32. The provisions of Sub-section (f) of Section 4 shall extend to any person who shall satisfy an officer appointed under this Act that he has formerly resided in Natal, that is to say who has had his ordinary place of residence in Natal for a period of not less than three consecutive years. Provided, however:

- (a) That nothing in this section shall diminish the rights of any person who has had his domicile in Natal as distinguished from residence as above defined.
- (b) That no person shall be entitled to claim the benefits of this section merely by reason of residence in Natal under indenture of service, or the like, entered into in pursuance of any laws for the introduction of servants or labourers or otherwise.

33. A certificate granted by the Immigration Restriction Officer, stating that the person named and described therein has been formerly resident or domiciled in the Colony within the meaning of this Act, shall be *prima facie* evidence of such former residence or domicile.

PART IV.

34. Any person appearing to an officer under this Act to be over the age of sixteen years shall be regarded as an adult for the purposes of this Act.

35. The Governor may appoint officers for the purpose of carrying out the provisions of this Act, one of whom shall be a principal Immigration Restriction Officer, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the Minister or by the Principal Immigration Restriction Officer.

36. The Governor in Council may, from time to time, make, amend, and repeal regulations for the better carrying out of the provisions of this Act.

37. Any person who shall by false declaration obtain, or seek to obtain, either for himself or for another person, neither being entitled thereto, any certificate or document intended to secure the entry into the Colony of any person in violation of the provisions of this Act, and any person who may fraudulently use any such certificate, or other document, shall be guilty of a contravention of this Act.

38. The following shall be contraventions of this Act:—

- (a) Assisting any prohibited immigrant to enter the Colony or knowingly being a party to the introduction of any person of the class (f) of Section 5 of this Act.
- (b) Aiding or abetting a prohibited immigrant or any other person in any contravention of this Act or of the Regulations.
- (c) Resisting or obstructing, actively or passively any officer in the execution of his duty.
- (d) Wilfully disobeying or disregarding any obligation imposed by, or any lawful order made under, this Act or the Regulations.

39. Every person guilty of a contravention of this Act or of any regulation passed thereunder shall, where no penalty is expressly imposed, be liable to a fine not exceeding Fifty Pounds Sterling, or, in default of payment thereof, imprisonment with or without hard labour for a period not exceeding six months, or he may be sentenced to such imprisonment as aforesaid without the option of a fine.

40. Any penalty incurred by the master of a ship shall be paid before the ship's clearance is granted. Notice in writing by the Immigration Restriction Officer to the Collector of Customs of any claim against the Master, owners or agents of a ship for a penalty shall be a sufficient authority to him to refuse the ship's clearance until such order is withdrawn or is set aside by the order or judgment of a Court. Such a notice to the Port Captain or Harbour Master shall be authority to him to refuse to take a ship or allow it to go outside the Bay to any outer harbour or anchorage. When such notice is given the Immigration Restriction Officer shall with all speed inform the Minister and take all such steps as may be necessary in order that proceedings in respect of the contravention may be instituted without loss of time.

41. The enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of the Immigration Restriction Officer. All contraventions of this Act or of the Regulations for which no special punishment is awarded, or for which no greater punishment than a penalty of One Hundred Pounds Sterling or imprisonment with or without hard labour is imposed, shall be cognisable by the Courts of Magistrates, who may in respect of any such contravention impose a penalty or punishment up to said limits. Such imprisonment may in any criminal prosecution be awarded either absolutely or in default of the payment of a penalty. Notwithstanding the foregoing provision, the magistrate having jurisdiction at any Port where a ship is detained under authority of this Act shall have jurisdiction in any civil suit wherein a penalty not exceeding Five Hundred Pounds Sterling is claimed from the Master or owners or agents of the ship.

Schedule "A" (No.).

Colony of Natal Immigration Restriction Act, 1903.

(To Whom it May Concern.)

This is to certify that the person hereunder described is a fit and proper person to be received as an immigrant into Natal.

Dated at This day of 190 .
Signature.

DESCRIPTION.

Name.
Nationality.
Age.
Trade or calling.
Married or single.
Height. ft. ins.
General Description.
Marks.
Signature of holder.

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,
JNO. G. MAYDON,
Colonial Secretary.

Immigration Restriction.

[No. 3, 1906.]

Assented to by Order in Council,
HENRY McCALLUM,
Governor.

ACT,

"To amend the Immigration Act, 1903."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows—

1. The reference to domicile in section 4 (f) and section 32 (a) of the Immigration Restriction Act, 1903, shall apply only to domicile acquired by residence in Natal on the part of the person seeking to enter the Colony and not to domicile acquired in any other manner.

2. Any person applying for a certificate of domicile or seeking to obtain any exemption in virtue of former domicile shall be required to satisfy the proper officer that at the time when he began to reside in the Colony he was not a prohibited immigrant within the meaning of the Immigration Restriction Act of 1897 or that of 1903, if either of the said Acts was in force at that time, or that if he was such he lawfully became resident in Natal according to the provisions of such of the said Acts as was then in force.

3. Any person seeking to take advantage of the exemption given to a wife or child by section 4 (g) of the said Act shall be required to satisfy the Immigration Restriction Officer or other proper officer that the woman or child is in fact the wife or child of a person who is not a prohibited immigrant within the meaning of the Act and who is at the time resident in Natal.

4. The regulations under the said Act may provide for charging such fees as may be reasonable for any certificates, passes and documents of a like character granted in terms of the Act or regulations.

5. The words "upon conviction," occurring in Section 31 of the principal Act, shall be expunged, and in their stead the words "and in any township; and in the case of any township, if the person named in the Act may have been convicted of such offence," shall be inserted, and the words "and in any township;" shall be inserted in Section 31 of this Act shall be repealed.

Given at King's House, Durban, this 10th day of January, 1906.
By command of His Majesty the King,
J. G. M. (1), section four-

PUBLIC SERVICE AND PENSIONS ACT.

[No. 19 of 1908.]

"Public Service" shall mean the system of employment of persons of European descent by the Government of this Colony in the discharge of public duties in a department or office of such Government.

**PUBLIC SERVANTS' SUPERANNUATION ACT, No. 1,
1910.**

"To provide a system of retiring allowances for certain persons in the employment of Government but not being officers of the Civil Service"

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows.—

2. In this Act—

"Officer" shall, save as excepted in Section 3, mean any person in the exclusive employment of the Government who is remunerated by salary calculated at an annual in contradistinction to a daily or other rate or to any form of remuneration other than an annual salary.

"Employee" shall, save as excepted in Section 3, mean any person of European descent in the exclusive employment of the Government who is remunerated by wages (with or without local, matic, or other allowance) calculated at a daily rate or in any other manner than annually.

5. A Fund, to be known as "The Public Service Superannuation Fund," shall be established for the payment, subject to the provisions of this Act, of pensions—

- (a) To officers and employees who under this Act become and continue contributors to the Fund; or
- (b) To their representatives at death.

EDUCATION ACT.

[No 6, 1910.]

"To provide for the compulsory attendance of European children at School."

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. It shall be the duty of the parent or guardian of every child of European descent who has completed his seventh year but has not completed his fourteenth year to cause such child to attend regularly at a school

Act No. 31, 1910.

"To provide pensions for teachers in Government-aided Schools."

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows.—

1. Subject to the provisions of this Act, any European person who has followed the exclusive calling of a teacher for not less than twenty years in one or more Government-aided schools shall upon retirement through ill-health or at the age of sixty years or upwards be entitled to a pension from the public revenue upon the scale fixed in the schedule for head teachers or for assistant teachers respectively.